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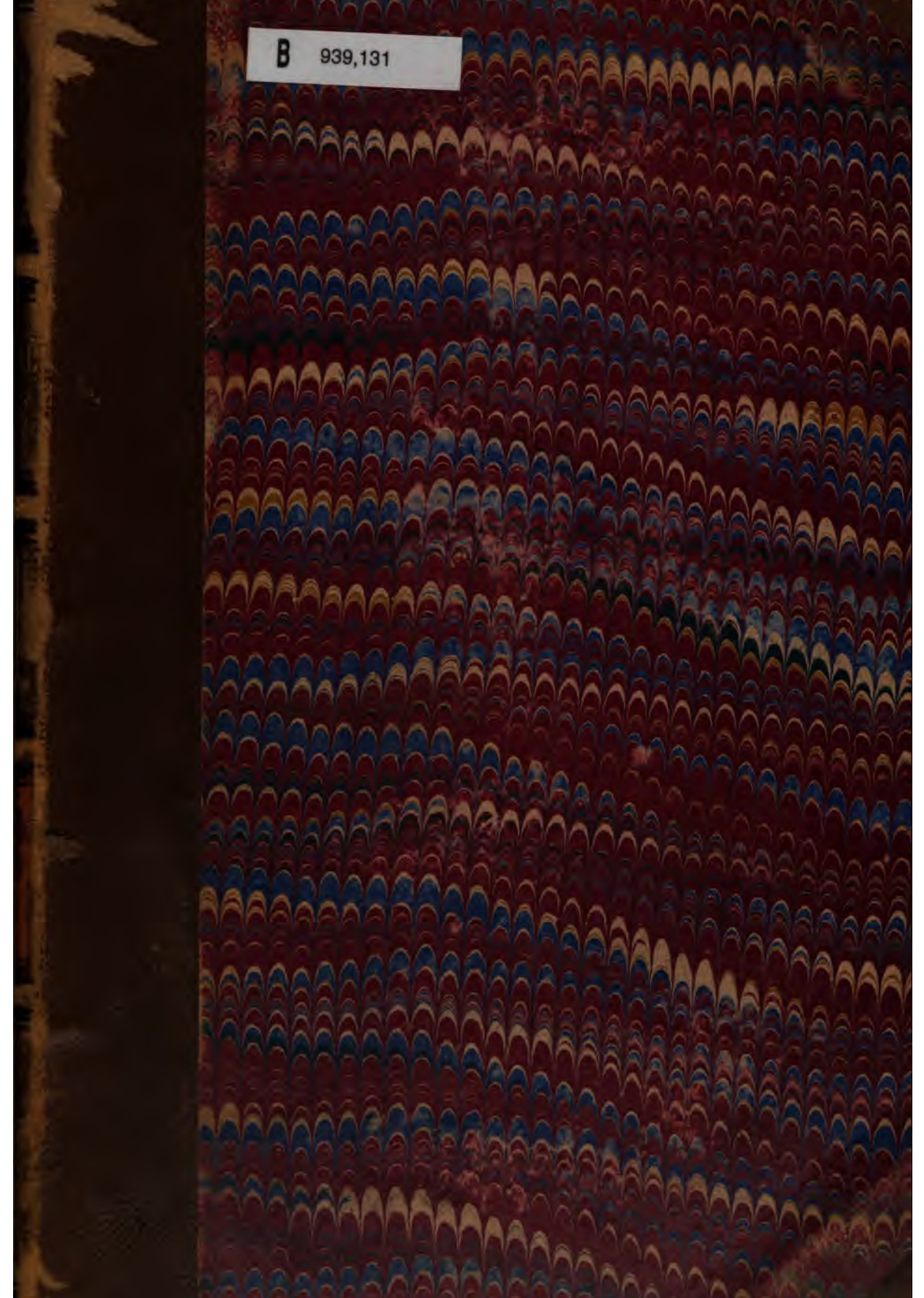
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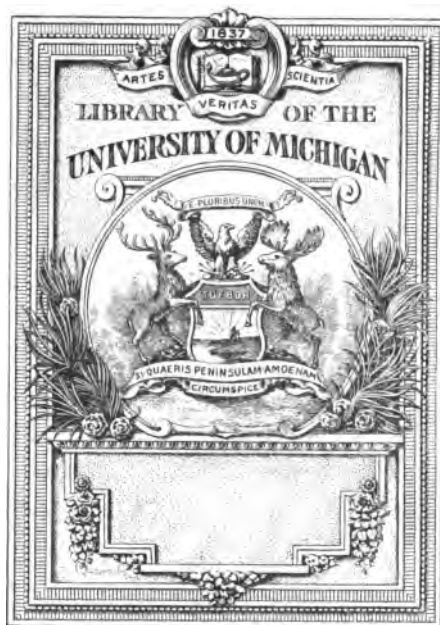
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PREFATORY NOTE.

We have pleasure in closing, even at this late date, the eighth volume of this Series; at the same time, we thank our friends, every-where, for their kind forbearance, under the peculiar circumstances under which the publication of it, at an earlier day, has been absolutely prevented.

MORRISANIA, N. Y., December, 1872.

HENRY B. DAWSON.

CONTRIBUTORS TO THIS VOLUME.

CONTRIBUTORS OF ARTICLES.

BARTLETT. Hon. JOHN RUSSELL, Providence, Rhode Island.
 CROWNSHIELD. Miss MARY, Charlestown, Massachusetts.
 DAWSON. CHARLES C., Esqr., Plainfield, N. J.
 EARLY. Genl. JUBAL A., Lynchburgh, Va.
 GILLETT. Rev. E. H., D.D., Harlem, New York City.
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 MYERS. Col. T. BAILEY, New York City.
 PREBLE. Capt. GEORGE HENRY, U. S. N., Charlestown, Mass.
 RANDALL. Hon. S. S., LL.D., Morrisania, N. Y.
 ROCKWELL. Professor E. F., Statesville, N. C.
 SIGEL. Genl. FRANZ, Morrisania, N. Y.
 SIMMS. WILLIAM GILLMORE, LL.D., Charleston, S. C.
 STONE. Rev. E. M., Providence, R. I.
 TAPPAN. FRANCIS W., Esqr., Morrisania, N. Y.
 VAN SCHAACK. Hon. HENRY C., Manlius, N. Y.

AUTHORS OF UNPUBLISHED PAPERS, IN THIS VOLUME.

ARNOLD. Genl. BENEDICT, of the Revolutionary Army.
 BARTLETT. Hon. JOHN RUSSELL, Secretary of State of Rhode Island.
 BRANT. JOSEPH, the Indian Chief.
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 DAWSON. HENRY B., Editor of the Magazine.
 EARLY. Genl. JUBAL A., of the Confederate States Army.

ELLEBY. WILLIAM, one of the signers of the *Declaration of Independence*.
 GILLETT. Rev. E. H., D.D., Professor in the University of the City of New York.
 GOODWIN. Capt. WILLIAM H., Concord, N. H.
 HOPKINS. Hon. SAMUEL, M. C., from Kentucky, 1813.
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 KENT. JAMES, Chief-justice of New York.
 LA FAYETTE. Genl., of the Revolutionary Army.
 LANGDON. JOHN, one of the signers of the *Declaration of Independence*.
 LOTT. ABRAHAM, Treasurer of the Colony of New York.
 MOFFITT. HOSEA, M. C., from New York, 1814.
 MORRIS. ROBERT, Financier of the Continental Congress.
 NEW HAMPSHIRE STATE ARCHIVES.
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[No. 1.

1— DUCHE'S LETTER TO WASHINGTON.

By JOSEPH F. TUTTLE, D. D., PRESIDENT OF
WABASH COLLEGE.

The author of this remarkable letter—the Rev. Jacob Duchè—was a native of Philadelphia. He was born in 1739. He pursued his studies at the College of Philadelphia, and finished his education at Cambridge, in England.

In 1759, he was ordained by the Bishop of London, and became an Assistant Minister of Christ Church, in his native city. In 1775, he became Rector of that Church.

The newspapers of the day speak of his eloquence, as a preacher; and the volumes of Sermons which he published, in England, during his forced sojourn there, were much admired.

Certain it is, that, previous to his scandalous letter to General Washington, he was one of the most popular clergymen in Philadelphia, perhaps in America,

In 1777, he was the Chaplain of Congress, for three months; and, not only by his prayers but by public addresses, he did much to inspire his countrymen with enthusiasm in their struggle for independence. He even gave his entire salary, as Chaplain, to the relief of the families of those patriots who had fallen in battle. Sparks says "that so captivating was his eloquence, "aided by a harmonious voice and elegance of "person, that he was considered by many to "rival Whitefield." When Peyton Randolph, the first President of Congress, died, Duchè pronounced the Funeral Sermon. He also preached "a Fast" Sermon before Congress; and, on another occasion, he preached a patriotic and eloquent Sermon before a Battalion of Volunteers raised in Philadelphia to defend the country.

Thacher, in his *Military Journal*, under date of "December, 1777," furnishes a copy of the famous "first Prayer in Congress." It is in striking contrast with his infamous letter.

The Prayer is in these words: "O! Lord, our "heavenly Father, high and mighty King of "Kings and Lord of Lords, who dost, from thy "throne, behold all the dwellers on earth, and "reignest with power, supreme and uncontroll-

ed, over all Kingdoms, Empires, and Govern-
ments! look down in mercy, we beseech thee,
on these American States who have fled to
Thee from the rod of the oppressor and thrown
themselves on thy gracious protection, desir-
ing to be, henceforth, dependent only on Thee;
to Thee have they appealed for the righteous-
ness of their cause: to Thee do they now look
up for that countenance and support which
Thou alone canst give: take them, therefore,
Heavenly Father, under thy nurturing care:
give them wisdom in council, and valor in the
field: defeat the malicious designs of our cruel
adversaries: convince them of the unrighteous-
ness of their cause: and, if they still persist in
their sanguinary purposes, O! let the voice of
thine own unerring justice, sounding in their
hearts, constrain them to drop the weapons of
war from their unnerved hands in the day of
battle. Be thou present, O! God of wisdom,
and direct the councils of this honorable as-
sembly: enable them to settle things on the
best and surest foundation, that the scene of
blood may be speedily closed; that order, har-
mony, and peace may be effectually restored,
and truth and justice, religion and piety, pre-
vail and flourish among thy people. Preserve
the health of their bodies and the vigor of
their minds: Shower down on them and on
the millions they here represent, such tem-
poral blessings as thou seest expedient for
them in this world, and crown them with ever-
lasting glory in the world to come. All this
we ask, in the name and through the merits
of Jesus Christ, thy Son and our Saviour,
Amen!"

John Adams—September 16th. 1777—wrote to his wife in regard to the services of which this "first Prayer in Congress" was a part. In the regular order, the Collect for that day was the *thirty-fifth* Psalm. He writes to Mrs. Adams: "You must remember this was the morn-
ing after we heard the horrible rumor of the
cannonade of Boston. I never saw a greater
effect upon an audience. It seemed as if Hea-
ven had ordained that Psalm to be read that
morning. After this, Mr. Duchè, 'unexpectedly

"to everybody, struck out into an extemporary prayer which filled the bosom of every man present. I confess I never heard a better prayer, or one so well pronounced. Episcopalian as he is, Doctor Cooper himself never prayed with such fervor, such ardor, such earnestness and pathos, and in language so elegant and sublime, for America, for the Congress, for the Province of Massachusetts, and especially the town of Boston. It had an excellent effect upon everybody here.

* * * * *

"Mr. Duchè is one of the most ingenious men, and best characters, and greatest orators, in the Episcopal order upon this Continent, yet a zealous friend of liberty and his country."

From this, it is evident we have only part of "the first prayer" which Mr. Duchè had written for the occasion; whilst his "extemporary prayer" for the objects named by Mr. Adams, is lost entirely.

On the eighth of February, 1778, Mr. Adams, in a letter to Doctor Rush, shows that his feelings toward Duchè had changed; for he writes that "the idea that any one man alone can save us is too silly for anybody but such *weak men* as *Duche* to harbor for a moment."

In order to appreciate the reasons for Duche's defection, as also the cruelty of the letter he addressed to Washington, we must remember that the Battle of Chad's Ford was fought on the eleventh of September, 1777, the enemy holding the field.

The Battle of Germantown was fought on the fourth of October, following—a battle that was preceded by tremendous suffering, on the part of the American troops, for want of ordinary comforts. Washington wrote that "at least one thousand are barefooted and have performed the marches in that condition." "the strongest reason against being able to make a forced march is the want of shoes." Of the Battle of Germantown, Washington says, "the Americans lost one thousand men, killed, wounded, and missing," "and many valuable officers." "It was a bloody day. Would to heaven I could add, that it had been a more fortunate one for us."

The British at once occupied Philadelphia.

On the eighth of October, four days after this "bloody day," Duchè wrote the letter which follows, in full. On the sixteenth of October, Washington wrote these words, "I yesterday received through the hands of Mrs. Ferguson of Graham Park, a letter of a very curious and extraordinary nature, from Mr. Duchè, which I have thought proper to transmit to Congress."

Thacher calls the letter, "an occurrence of a very singular complexion," and says, "it occasions much indignant speculation." Washington, in his letter, says, "To this ridiculous

"and illiberal performance, I made a short reply, by desiring the bearer of it—Mrs. Ferguson—if she should, hereafter, by any accident, meet with Mr. Duchè, to tell him I should have returned it, unopened, if I had had any idea of its contents: observing, at the same time, that I highly disapproved the intercourse she seemed to have been carrying on; and expected it would be discontinued."

In a letter to Francis Hopkinson, one of the Signers of the Declaration and a brother-in-law of Duchè, Washington wrote that he feared to retain such a letter without placing it at once before Congress, lest such a course might excite the suspicion that "he had betrayed his country."

On the fourteenth of November, 1777, Francis Hopkinson writes to Duchè a letter, in which he speaks of him with great severity. "Words cannot express the grief and consternation that wounded my soul at the sight of that fatal performance, * * * filled with gross misrepresentation, illiberal abuse, and sentiments unworthy of a man of character. You have endeavored to screen your own weaknesses by the most artful glosses." He begs Duchè to re-read his own letter, and "you will find, there, that, by a weak and vain effort, you have attempted the integrity of one whose virtue is impregnable to the assaults of fear or flattery, whose judgment needed not your information." Hopkinson criticises the "fatal performance" in this sharp style and expresses the hope that "notwithstanding your assertion to the contrary, you wrote it with a bayonet at your breast, by order of the unprincipled usurper of your native city." * * * "I am perfectly disposed to attribute this unfortunate step to the timidity of your temper, and the undue influence of those about you." Many sentences of the letter breathe strong affection for the reverend culprit; but, as a whole, it is crushingly severe.

Mr. Duchè, soon afterward, with his family, went to England, where his preaching was much admired; but he pined for his native land. In 1783, he wrote a striking letter to Washington, explaining his "fatal performance" of the eighth of October, 1777, and pleading with him, in truly pathetic terms, to use his influence to procure him permission to return to America. This letter is dated "Asylum, Lambeth, (Eng.) April 2^d 1783;" and, under date of August 10th 1783, Washington makes a dignified response, leaving the whole matter in the hands of the authorities of Pennsylvania: "if they grant him permission to return, it cannot fail to meet my entire approbation." The desired permission was not granted until after the adoption of the Federal Constitution, when the laws

of Pennsylvania in regard to refugees were repealed. He returned to Philadelphia, in 1790, much broken in health, having had paralysis.

He died in 1794, being about fifty-five years old.

All these facts will give interest to the letter, which is copied in full.

[THE LETTER.]

PHILADELPHIA, OCTOBER 8, 1777.

SIR,

If this letter should find you in Council or in the field, before you read another sentence, I beg you to take the first opportunity of retiring and weighing well its important contents.

You are perfectly acquainted with the part I have taken in this present unhappy contest. I was, indeed, among the first to bear my public testimony against having any recourse to threats, or even indulging a thought of an armed opposition. The torrent soon became too strong for my feeble efforts to resist. I wished to follow my countrymen as far only as virtue and the righteousness of their cause would permit me. I was, however, prevailed upon, among the rest of my clerical brethren, to gratify the pressing desires of my fellow citizens, by preaching a Sermon to one of the City Battalions. I was pressed to publish this Sermon, and reluctantly consented.

From a personal attachment of near twenty years' standing, and an high respect for your character, in private as well as in public life, I took the liberty of dedicating it to you. I had your affectionate thanks for my performance, in a letter wherein you expressed, in the most delicate and obliging terms, your regard for me and your wishes for a continuance of my friendship and approbation of your conduct.

Farther than this, I intended not to proceed. My Sermon speaks for itself, and utterly disclaims the idea of independency. My sentiments were well known to my friends. I communicated them, without reserve, to many respectable Members of Congress, who expressed a warm approbation of them. I persisted in using the public prayers for my Sovereign, and the Royal Family, to the very last moment, though threatened with insult from the violence of a party.

Upon the declaration of independency, I called my Vestry, and solemnly put the question to them, whether they thought it best, for the peace and welfare of the Congregations, to shut up the Churches or to continue the service, without using the petitions for the Royal Family. This was the sad alternative. I concluded to abide by their decisions, as I could not have time to consult my spiritual superiors in England. They deemed it most expedient, under such critical circumstances, to keep open the Churches, that the Congregations might not be

dispersed, which we had great reason to apprehend.

A very few days after the fatal declaration of independency, I received a letter from Mr. Hancock, sent by express to Germantown, where my family were, for the summer season, acquainting me, that I was appointed Chaplain to the Congress, and desired to attend at nine o'clock the next morning. Surprised and distressed by an event I was not prepared to expect; obliged to give an immediate answer without the opportunity of consulting my friends, I rashly accepted the appointment. I could have but one motive for taking this step. I thought the Churches in danger, and hoped, by these means, to be instrumental in preventing those evils I had so much cause to apprehend. I can, however, with truth, declare, that I then looked upon independency rather as an expedient, and an hazardous one, indeed, thrown out *in terrum*, in order to procure some favourable terms, than as a measure that was seriously to be persisted in, at all events. My sudden change of conduct will clearly evince this to have been my idea of the matter.

Upon the return of the Committee of Congress appointed to confer with Lord Howe, I soon discovered their real intentions. The different accounts which each member of the Committee gave of this conference, the time they took to make up the matter for the public view, and the amazing disagreements betwixt the newspaper account and the relation I myself had from the mouth of one of the Committee, convinced me that there must have been some unfair and ungenerous procedure. Their determination to treat on no other ground than that of independency, which put it out of his Lordship's power to mention any terms at all, was a sufficient proof to me, that independency was the idol which they had long wished to set up, and that, rather than sacrifice this, they would deluge their country in blood.

From this moment, I determined upon my resignation, and, in the beginning of October, 1776, sent it, in form, to Mr. Hancock, after having officiated only two months and three weeks; and, from that time, as far as my safety would permit, I have been uniformly opposed to all their measures. This circumstantial account of my conduct I think due to the friendship you were so obliging as to express for me, and I hope will be sufficient to justify any seeming inconsistencies in the part I have acted.

And now, my dear Sir, suffer me, in the language of truth and real affection, to address myself to you. All the world must be convinced, that you engaged in the service of your country, from motives perfectly disinterested. You risked everything that was dear to you. You abandoned all those sweets of domestic life, of which your affluent fortune gave you the unin-

interrupted enjoyment. But had you, could you have had, the least idea of matters being carried to such a dangerous extremity as they now are? Your most intimate friends, at that time, shuddered at the thought of a separation from the mother country; and I took it for granted, that your sentiments coincided with theirs. What have been the consequences of this rash and violent measure? A degeneracy of representation, confusion of councils, blunders without number. The most respectable characters have withdrawn themselves, and are succeeded by a great majority of illiberal and violent men.

Take an impartial view of the present Congress. What can you expect from them? Your feelings must be greatly hurt by the representation from your native Province. You have no longer a Randolph, a Bland, or a Braxton—men whose names will ever be revered; whose demands never rose above the first grounds on which they set out; and whose truly generous and virtuous sentiments I have frequently heard, with rapture, from their own lips. O! my dear Sir. What a sad contrast! Characters now present themselves, whose minds can never mingle with your own. Your Harrison alone remains, and he disgusted with his unworthy associates.

As to those of my own Province, some of them are so obscure that their very names have never met my ears before, and others have only been distinguished for the weakness of their understandings and the violence of their tempers. One, alone, I except from the general charge, a man of virtue, dragged, reluctantly, into their measure, and restrained by some false ideas of honor from retracing, after having gone too far. You cannot be at a loss to discover whose name answers to this character.

From the New England Provinces, can you find one that, as a gentleman, you could wish to associate with, unless the soft and mild address of Mr. Hancock can atone for his want of every other qualification necessary for the station he fills? Bankrupts, attorneys, and men of desperate fortune are his colleagues.

Maryland no longer sends a Tilghman and a protestant Carroll. Carolina has lost her Lynch; and the elder Middleton has retired.

Are the dregs of a Congress, then, still to influence a mind like yours? These are not the men whom you engaged to serve. These are not the men, America has chosen to represent her now. Most of them elected by little low faction, and the few gentlemen that are among them now, well known to be upon the balance, and looking up to your hand alone to move the beam. It is you, Sir, and you alone, that supports the present Congress. Of this, you must be fully sensible. Long before they left Philadelphia, their

dignity and consequence was gone. What must it be now, since their precipitate retreat? I write with freedom, but without invective. I know these things to be true: and I write to one whose observation must have convinced him that they are so.

After this view of Congress, turn to your army. All the world knows that its very existence depends upon you; that your death or captivity disperses it in a moment; and that there is not a man on that side of the question, in America, capable of succeeding you. As to the army, itself, what have you to expect from them? Have they not frequently abandoned even yourself, in the hour of extremity? Have you, can you have, the least confidence in a set of undisciplined men and officers, many of whom have been taken from the lowest of the people, without principle, without courage? Take away those that surround your person, and how very few are there that you can ask to sit at your table.

Turn to your little navy. Of that little, what is left? Of the Delaware fleet, part are taken, the rest must soon surrender. Of those in the other Provinces, some are taken, one or two at sea, and the others lying, unmanned and unrigged, in their harbours.

And now, where are your resources? O! my dear Sir, how sadly have you been abused by a faction void of truth, and void of tenderness to you and your country? They have amused you with hopes of a Declaration of War on the part of France. Believe me, from the best authority, it was a fiction from the first. Early in the year 1776, a French gentleman was introduced to me, with whom I became intimately acquainted. His business, to all appearance, was to speculate, in the mercantile way. But, I believe, it will be found that, in his own country, he moved in a higher sphere. He saw your camp. He became acquainted with all your military preparations. He was introduced to Congress, and engaged with them in a mercantile contracts. In the course of our intimacy, he has frequently told me that he hoped the Americans would never think of independency. He gave me his reasons. "Independency," said he, "can never be supported unless France should declare 'War against England. I well know the state 'of her finances. Years to come, will not put 'them in a situation to venture upon a breach 'with England. At this moment, there are two 'parties at the Court of Versailles, one enlisted 'under the Duc de Choiseul and the other under 'the Count Maurepas. Choiseul has no chance 'of succeeding. He is violent for war. Maurepas must get the better. He is for oeconomy 'and peace.'" This was his information, which I mentioned to several Members of Congress. They treated it as a fable, depending entirely on the intelligence from Dr. Franklin. The truth

of the matter is this, Dr. Franklin built upon the success of Choiseul. Upon his arrival in France, he found him out of place, his counsels reprobated, and his party dwindled to an insignificant faction. This you may depend upon to be the true state of the Court of France. And farther, by vast number of letters, found on board prizes taken by the King's ships, it appears that all commerce with the merchants of France, through whom, alone, the supplies have been conveyed, will soon be at an end, the letters being full of complaints of no remittances from America, and many individuals having greatly suffered on that account.

From your friends in England, you have nothing to expect, their numbers are diminished to a cypher; the spirit of the whole nation is in full activity against you. A few sounding names, among the nobility, though perpetually rung in your ears, are said to be without character, without influence. Disappointed ambition, I am told, has made them desperate; and that they only wish to make the deluded Americans instruments of their revenge. All orders and ranks of men, in Great Britain, are now unanimous and determined to risque their all on the contest. Trade and manufactures are found to flourish; and new channels are continually opening, that will, perhaps, more than supply the loss of the old.

In a word, your harbours are blocked up; your cities fall, one after another; fortress after fortress, battle after battle, is lost. A British army, after having passed, almost unmolested, through a vast extent of country, have possessed themselves, with ease, of the capital of America. How unequal the contest, now! How fruitless the expense of blood.

Under so many discouraging circumstances, can virtue, can honour, can the love of your country, prompt you to persevere? Humanity itself, (and sure I am, humanity is no stranger to your breast) calls upon you to desist. Your army must perish for want of common necessities, or thousands of innocent families must perish to support them. Wherever they encamp, the country must be impoverished. Wherever they march, the troops of Britain will pursue, and must complete the devastation which America herself had begun.

Perhaps it may be said, that it is "better to die than to be slaves." This, indeed, is a splendid maxim, in theory, and, perhaps, in some instances, may be found experimentally true. But where there is the least probability of an happy accommodation, surely wisdom and humanity call for some sacrifices to be made, to prevent inevitable destruction. You well know, there is but one invincible bar to such an accommodation. Could this be removed, other obstacles might readily be overcome.

'Tis to you, and you alone, your bleeding country looks and calls aloud for this sacrifice. Your arm alone has sufficient strength to remove this bar. May Heaven inspire you with the glorious resolution of exerting this strength, at so interesting a crisis, and thus immortalizing yourself, as a friend and guardian of your country.

Your penetrating eye needs not more explicit language to discern my meaning. With that prudence and delicacy, therefore, of which I know you are possessed, represent to Congress the indispensable necessity of rescinding the hasty and ill-advised Declaration of Independence. Recommend, and you have an undoubted right to recommend, an immediate cessation of hostilities. Let the controversy be taken up where that Declaration left it, and where Lord Howe expected to have found it. Let men of clear and impartial characters, in or out of Congress, Gentlemen, liberal in their sentiments, heretofore independent in their fortunes, and some such are surely to be found in America, be appointed to confer with his Majesty's Commissioners. Let them, if they please, prepare some well-digested constitutional plan to lay before them, as the commencement of a negotiation. When they have gone thus far, I am confident that the most happy consequences will ensue. Unanimity will immediately take place through the different Provinces. Thousands that are now ardently wishing and praying for such a measure, will step forth and declare themselves the zealous advocates of constitutional liberty, and millions will bless the hero that left the field of war, to decide this most important contest with the weapons of wisdom and humanity.

O! Sir, let no false ideas of worldly honour deter you from engaging in so glorious a task. Whatever censures may be thrown out by mean and illiberal minds, your character will rise in the estimation of the virtuous and noble. It will appear with lustre in the annals of history, and form a glorious contrast to that of those who have sought to obtain conquest and gratify their own ambition by the destruction of their species and the ruin of their country.

Be assured, that I write not this under the eye of any British officer or any person connected with the British army or ministry. The sentiments I have expressed are the real sentiments of my heart, such as I have long held, and which I should have made known to you, before, had I not fully expected an opportunity of a private conference. When you passed through Philadelphia, on your way to Wilmington, I was confined by a severe fit of the gravel to my chamber. I have since continued so much indisposed, and times have been so very distressing, that I had neither spirits to write a letter, nor opportunity to convey it when written. Nor do I yet know by what means I shall get

those sheets to your hands.

I would fain hope, that I have said nothing, by which your delicacy can be in the least hurt. If I have, it has, I assure you, been without the least intention, and therefore your candour will lead you to forgive me. I have spoken freely of Congress, and of the army. But what I have said is partly from my own knowledge, and partly from the information of some respectable members of the former, and some of the best officers of the latter. I would not offend the meanest person upon earth. What I say to you I say in confidence, to answer what I cannot but deem a most valuable purpose. I love my country. I love you. But to the love of truth, the love of peace, and the love of God, I hope I shall be enabled, if called to the trial, to sacrifice every other inferior love. If the arguments made use of in this letter should have so much influence, as to engage you in the glorious work which I have so warmly recommended, I shall ever deem my success as the highest temporal favor that Providence could grant me—Your interposition and advice, I am confident, will meet with a favourable reception from the authority under which you act. If it should not, you have one infallible resource still left,—negotiate for America at the head of your army.

After all, it may appear presumption in an individual to address himself to you on a subject of so much magnitude, or to say what measures should best secure the interest and welfare of a whole Continent. The favourable and friendly opinion you have always expressed of me, embolden me to undertake it; and, (which has greatly added to the weight of this motive) I have been strongly impressed with a sense of duty, upon this occasion, which left my conscience uneasy, and my heart afflicted, till I had fully discharged it. I am no enthusiast. The case is new and singular to me. I could not enjoy a moment's peace, till the letter was written.

With the most ardent prayers for your spiritual as well as temporal welfare, I am, Sir,

Your most sincere friend and obedient Servant

JACOB DUCHÈ.

His Excellency Gen. WASHINGTON.

NOTE.

This version of Mr. Duchè's letter differs from both that contained in President Tuttle's communication and that contained in Sparks's *Correspondence of the American Revolution*, both of which are evidently incorrect. We have used that which was printed, for the purpose of correcting inaccurate copies, with Mr. Duchè's authority, in the *Pennsylvania Ledger*; or the *Philadelphia Market-day Advertiser*, No. CX., Philadelphia, Wednesday, December 17, 1777.—EDITOR HISTORICAL MAGAZINE.

II.—DOCUMENTARY HISTORY OF EXETER, N. H. CONTINUED FROM VOLUME VII, PAGE 385.

FROM THE NEW HAMPSHIRE ARCHIVES, NOW FIRST PRINTED.

E.—Reply of the Petitioners to the preceding Objections made by the Agents of the Town.

TO HIS EXCELLENCY BENNING WENTWORTH Esq^r Gov^r & Comand^r in Chief in & Over his Majesty's Province of new Hampshire the Hon^{ble} his majesty's Council & House of Represen^t in Gener^l Assembly Conven'd.

The Reply of the Freeholders and other Inhab^{ts} of y^e Town of Exeter who have Petition'd to be Exempted from paying towards the Support of the Ministry in Said Town—&c. to the Answer of the Agents of S^d Town to their Petition.

May it Please your Excellency & the other the Hon^{ble} Branches of the Legislature The fav^r granted your Petition^r wth regard to an Opportunity of making a written Reply, to the answer made to their Petition in behalf of the Town, gives them Encouragem^t to hope for Success in the matter under Debate, as the merit & weight of w^t shall be Offer'd can in this way be much better Consider'd.

Your Petition^r would beg leave Humbly to Observe in General, that in this affair as they are not Influenced by Sinister Views, Corrupt or Vicious Principles, nor any but Conscientious Motives their Case Claims the Closer attention & greater tenderness—and as they are Sincere in their Principles which relate to this matter, so they would be just in their Reasonings upon it; & Should therefore have been glad to have avoided entering into the Consideration of Several points & matters of fact moved in the Said answer, because they will be a Diversion & Digression from the Main Question, but Could not prevail with the Agents to Wave them. To Come then to the s^d answer, & Reply in as brief & Clear a manner as we can, by following the Several Articles thereof, we must observe their first begins with Charging the Petition^r with a Mistake in Representing that the Town in Settling M^r Woodbridge Odlin proceeded in a hasty & Resolute manner, & then they go on to give an acco^t of y^t affair, the Substance of w^{ch} is that it was carried on wth great Deliberation, & every Step maturely Considered; That every Person Concern'd, acted their part from y^e fullest Evidence & Strongest Conviction of the Expediency of the thing & the Legality of the means, & the Like—But in this acco^t there is nothing Said of the Art us'd first to prepare matters by prevailing on near Seventy Persons to Sign a Petition to the Select men praying a proper Clause might be Inserted in the Warrant

for the Annual Meeting 1743 & so working up the Minds of the Petitioners to favour the thing before it come to be Considered in Public—they also have Omitted to Observe that when the Town was met & about to proceed on this affair, the Non Petitioners or most of them made the Strongest Remonstrances ag^t desiring it might be Suspended for Sometime at least, offering to Supply the Desk if necessary by Subscription as they had done y^e Year before, hoping that a little time, as it would have given greater Opportunity to have advised & proposed, so it would have produced a greater unanimity of Opinion, if not terms of union & peace—they dont say a word of the Contempt with w^{ch} this was Rejected, & how Resolutely they proceeded as well to vote the Raising money as Chusing a Committee to Effect & Carry those designs into Execution which had been Contrived before nor how their proposals at the Second meeting were Rejected—nor that a Church Com^{tee} was chosen to Call assistance for the Ordination before the Agreement made wth the Gentleman to be Ordain'd, w^{ch} with many other transactions too tedious to Recite, prove the thing to be Contriv'd & Determin'd before it came to be Voted, and that those who asserted their freedom & Liberty had Reason to be dissatisfied, the whole being done before the Deacons, & Standing Church Committee had any notice of it only as Inhabitants of the Town, and after the Town had determined the matter & a Com^{tee} chosen to agree the Terms a Proclamation was Issued under the Ministers hand, appointing a Day of fasting & prayer in the Town to Seek Direction, now these proceedings & much more of the like nature were just Causes of Dissatisfaction with this Settlement, & that we might well say it was Resolute if not hasty Especially if we Consider that the Towns Committee (men Chosen no doubt with good Policy was Impower'd to Compleat this agreem^t without making report to the Town, for their Confirmation or Approbation, which is the usual way, for we think a precedent like this cant be found, w^{ch} tho' by virtue of a Particular Law may be barely called Legal, can by no propriety be term'd prud^{nt}, & w^{ch} if it ever was done before, was only done, as we Conceive it was here, to Serve a Sinister End—

But as to what is objected to us, that we had a hand in Calling or Inviting the Gentleman to preach in Town, we conceive there is no weight in it, for Such Invitation is always understood to be in order to Chusing w^{ch} necessarily Implies Refusing—when a Congregation Invite Several Candidates, they are often call'd from other places, where they are upon probation, But it was never Suppos'd that Such Invitation Carried in it an Obligation to Chuse the Person Invited, for where more than one Preaches before the Choice,

all Cant be Chosen, and if but One Preaches, where can be the Choice—unless it be that which we have all heard of—

But we pass on—The Second article of the answer we Conceive is of no Consequence in this Debate, if admitted to be true, for it only proves that Some of the Petitioners are not of the Same mind now, w^{ch} they once were of in this Particular affair. Nor is the third more to the point, for it only Shows the Respondents have assum'd, a power of Judging the hearts of those they there Speak of—and as to the 4th we would only Observe, that if this Settlement was Legal, it will be very difficult, if not Impossible to prove it to be agreeable to the usage of the Churches in this Government—

In their 5th Article we Conceive the Respond^{ts} proceed on fallacious principles, and take for Granted propositions which cant be proved—as that, if this Petition is granted not only this Church, but all the Churches in the Governm^t will be greatly prejudiced—Now where is the Prejudice to the Church, as Such, if these Petitioners were dismissed—there will be a Church Still left, of a Competent number, Invested with the Same powers & Enjoying the Same Privileges as they now Enjoy—and if the Number desiring to be dismiss'd be so Small as is Represented the objection is Still of Less weight—and as to Churches in General how are they like to be affected by it—no otherwayethan they always are by gathering a new Church, when the members belong'd to any other before; and if this is of any weight, it will always be an Objection in that Case, as well as in this; & So there must never but one Church in a Town tho' ever So Large—and the Same argum^t may be always made ag^t Erecting new Parishes, for the old, must be hurt by the Loss of any of its Parishoners by an Increase of Charge on those that Remain—Again where tis said the granting this Petition would be a manifest breach of the Laws of the Province, the Objection Implies that this Court, are to proceed only on Laws already in force, that they are Restrain'd by them, & are only to put Such Laws in Execution.—which is not the Case the Petitioners ask for a new Law, & apply to those who can make it, the doing of w^{ch} will no more be a breach of the old, than the making any other new Law, & the Same argum^t lies with Equal Reason ag^t making any new Law, for every Instant of that kind in Some Sense alters those before in force—the Question therefore Ought not to be, whether the Law ask'd for will be a breach upon other Lws, But whether they End propos'd by it be good, whether it is fit & Reasonable to be done, & in order to discover that, we beg leave to Observe, that we take it for undoubted truth in w^{ch} all Christians are agreed, that the end of all Public worship is the Hon^r of God & the Edification of the worshipers, that

is, the Improvem^t of their minds in all Christian Graces and Virtues, that these two are never Separated, & therefore the Edification of the worshipers, always Implies the former,—That assemblies, worship &c, are only means to attain the End viz the Edification of those who attend them. That this cant be done, where the worship is not voluntary, for it must be in Spirit & in truth, free & Sincere—That there is a great variety in the fitness of means, arising from many Circumstances, particularly the different Capacities & tempers of Persons, w^{ch} may make means very fit & useful to one Person, not So to another, and that in these Cases, the right of private Judgement is to be maintain'd more than in any, for here every man must Judge for himself & tis Impossible another can Judge for him, and that hereupon he Ought to follow the Dictates of his own Conscience—That tis every mans duty to pursue this End, as tis the Noblest, & highest that can be proposed, by the fittest & best means—from these Principles, w^{ch} are Indisputable, it Evidently follows, that when a man apprehends he can Obtain the afores^d End better in one Congregation than in another, he ought to join to that w^{ch} he judges the better for that purpose, & when a number Sufficient to Embody in a Church order, have the Same Judgm^t as to that point, they ought to Separate & Embody, it then becomes their duty, for it is, certainly a duty to use those means we Judge fittest, for obtaining the best End; & the Omission of it is the Omission of a known duty, for which Conscience will Inevitably Condemn—he that denies this must with the Same breath Condemn the Reformation, for upon these & Such like principles the Reformed Church Separated from the Church of Room, who Condemn'd them for it, for She mortally hated Separations—He therefore that will not allow of it in the Cases here put, must if he will be Consistent in his principles, Return to the Mother Church from which the first Reformers Separated—now the Civil Magistrate Ought to be the Minister of God for good to the People, & where their greatest good is Concern'd, ought to give them the greatest Countenance.—If it be said tis Enough for such Separatists to Enjoy their Liberty of Separating without being Eas'd of their taxes—the answer is, that would be making them purchase their Liberty, of those who Enjoy their own freely; & is not Liberty Equally every man's right, who has not forfeited it? if so no man Shou'd be Oblig'd to purchase it at a dearer Rate than his neighbour, and where Such a Separation is made from an apprehension of duty, & in Obedience to Conscience it is So far from being just matter of Reproach or blame to the party, or of offence to others, that it ought on the other hand to Receive that Countenance & approbation justly due to those, who have a sense of dvty & tender-

ness of Conscience Sufficient to put them upon the performance of it.—the Respond^t Indeed Say the Petitioners are a Small number of Persons, who Separate thro' unreasonable prejudice, & here again they Suppose that true w^{ch} we deny, namely that we have no Reason for Separating—for it appears to us, to be duly upon Such principles & arguments as have been before mention'd, & therefore think our Selves free from the just Imputation of prejudice, & they have no Right to judge our hearts and Condemn us for Hypocrites—Besides how Easy is it to Charge, & to Return the Charge of unreasonable prejudice—Every party in Politicks as well as Religion, is Exceeding as apt to think all the opposition to their measures proceeds from unreasonable Prejudice & if men would but open their Eyes they must needs See things as *they* do and none more apt to run Riot in this Opinion than that party which is uppermost, which always Supposes it Self in the Right—But here it Seems in this Case it is quite plain, there is the opinion & Result of a Council—But we cant think it proper to trouble this Court with those affairs, a particular detail & Consideration of w^{ch} would be more than could be done in a weeks time, nor are they at all proper to be to be discuss'd here—and after all shou'd it be done it wou'd amount to no more than this—Two men differ, each calls in his friend to advise, which they do, but advise Differently, according to their Different apprehensions, & there upon Each man follows & applauds the advice he likes best—In Short wherever a sufficient number agree to go off from a Church, or Churches, & Embody by themselves, & by their outward actions or the General Course of their lives in a Judgment of charity there is Reason to think them Sincere in their pretensions, if they are willing to Support the preaching of the Gospel & other ordinances among themselves, & Especially when their Separation does not break up the Churches they leave we humbly Conceive, & with great deference & Submission would Say they have a Right to demand of the authority, that protection, Exemption, & Countenance whereby they may Enjoy their Opinions & Sacred Rights, on as cheap & Easy terms as their neighbours, So far as the Circumstances of their case will admit.

The Sixth & Last article begins with Charging the Peticon^r with absurdity &c In desiring Some allowance for w^t they have paid towards the Settlement of the minist^r &c—as to the Settlement of the Rev^d m^r Odlin the Elder, tis out of the Question but as to the other we see no Such absurdity, for many Reasons, but Especially Considering this was purposely made as Chargeably even to us, as it could be, by making that a Public charge which might have been otherways defrayed, as to other parts of this article

tis Comprized in the foregoing there being no great difference between Saying, *men Separate from unreasonable prejudice*, & Saying *it is evil in Self*, that it is of Evil Example & draws others to do the like differs little from saying *it would be of Dangerous Consequence to the Churches*, all which is only begging the thing Question—for we think it for the Good of the Churches, if by churches we understand the People of the Churches & not the minister only, & if by good, is meant *their Spiritual Edification* & not the great point of maintaining the minister in affluence & Ease—But this they say if done will be a leading Example, & we Say all the better, if it be a thing which ought to be done, which is our apprehension of it, & that not only in this Case but all others so Circumstanc'd—as to other fearful Consequences mentioned, they are merely Chimerical; & Deserve no answer—But here it is worth Considering whether force Compulsion & Restraint, is a likely way to promote the Interests of pure Religion, whether to Compel to Conformity is a likely means, ever did, or ever will make a Sincere Conformist, & what Interest is Such a Conduct likely to promote, unless that of the purse of the parishioners, & the more Comfortable subsistence of the Parson, for the Larger the Parish, the higher the Salary is no false Logick—But those who are ag^t their neighbours Spiritual Benefit from Lucrative or frugal principals do not do as *they would be done by*, they do not Exercise that Charity which *Seeketh not her own*, and be effectually ag^t Such benefit who prevents or endeavours to prevent, his neighbour from using those means he judges his duty to use, St Pauls Exhortation in this Case is for every man to please his neighbour for his good to Edification.—as to other matters taken notice of in this article of the answer we cant think them of so much Consequence in this debate as to need a particular Reply—the Building a meeting house or not is of no farther moment in this affair than as it argues those who have done it to be in Earnest, & that they think it to be a matter of Some Consequence or they would not have been at that charge—upon the whole it is Humbly Submitted whether the Interest of Religion will not be more promoted? whether any Such pernicious Consequences are like to follow as are Suggested? & whether the Interests of a Considerable number of good & faithful Subjects to the Government will not be advanced by granting this Petition? and Lastly whether the Consequences are not likely to be more pernicious which must follow from a Denial—

By SAM^l GILMAN } In behalf
PETER GILMAN } of the
 } Petitioners

F.—Further prayer for relief, by the opponents to Mr. Olin's settlement.

TO HIS EXCELLENCY Benning Wentworth Esq^r Captain General, Governor and Commander in Cheif In and over his Majesties Province of New Hampshire, and To the Hon^{ble} His Majesties Council and House of Representatives Convened in Generall Assembly

THE PETITION of a Number of the Freeholders and other Inhabitants of the Town of Exeter in Said Province

HUMBLY SHEWETH

That there has been a Minister Settled in Said Town of Exeter Contrary to the Minds of many of your Petitioners, who Timely Enter'd their Dissents against it—

That Your Petitioners have Hitherto (Contrary to their Minds) been Compell'd to pay Taxes for the Support of the Said Minister (who Carrys on the Publick Worship in the Old Meeting house in Said Town) Which Your Petitioners Humbly Conceive is Unreasonable and Unjust.

That Your Petitioners have Erected A Meeting house & Settled a Minister at their own Cost, and with the Help of Some Valuable Donations appropriated to the use of the Church, Have Supported the Gospel and Carry'd on the Publick Worship of God in the Said New Meeting house For about Twelve Years last past with Peace and Concord amongst Themselves—

WHEREFORE Your Petitioners Humbly Pray Your Excellency & Your Honours to Take the Case of your Petitioners under your wise Consideration and Grant us Relief, By Freeing Your Petitioners with their Estates, & Such other Persons (and their Estates) as Shall Joyn with us (within a Time to be Limited by Your Excellency & your Hon^{rs} From paying any Tax for the Support of the Ministry in the Said Old Meeting house for the Future; and by Incorporating us and Such Persons, and Investing us with Such Powers, & Securing to us Such Priviledges, or otherwise Granting us Such Aid or Relief as your Excellency & Honours In Your Great Wisdom Shall think Best

And Your Petitioners as in Duty Bound Shall Ever Pray &c

EXETER APRIL 8th 1755.

| | | |
|--|-------------------------|--------------------------|
| PETER GILMAN | DAVID THING | JOHN PHILLIPS |
| ABNAR THUSTIN | SAM ^l GILMAN | JOHN LORD |
| DANIEL GILMAN | JOHN DEAN | THOMAS DEANE |
| JOSIAH GILMAN | THOMAS LORD | NATH ^l FOLSOM |
| JOSEPH ACRES | DANIEL GILMAN | JOSIAH LADD |
| JONATHAN AMBROSE | | NEHEMIAH GILMAN |
| SAM ^l GILMAN J ^r | | BENJ ^a THING |
| ROBERT LIGHT | | NICH ^o GILMAN |
| THEOPHILUS SMITH | | SUMMERSBEE GILMAN |

| | |
|------------------------|------------------------|
| RICHARD SMITH | ROBERT LORD |
| JAMES THURSTON JR | RICHARD SMITH |
| ELIPHALET LORD | WILLIAM HARRIS |
| SAM ^L SMITH | STEPHEN THING JR |
| JOSIAH BARKER | JOSEPH STACEY |
| ABNER DOLLOF | JON ^S YOUNG |
| SAMLL DOLLOF | BENJEMAN ROGERS |
| JOSEPH DOLLOF | STEPHEN PALMER |
| JOHN ROBINSON JUN | JOHN LEAVITT |
| PETER ROBINSON | JOSEPH SMITH |
| JOHN HAINS | WODLEY CRAM |
| JOHN GILMAN JUN | EDMUND LODGEE |
| WIDOW MARY GILMAN | NATHANEIL LADD |
| JOHN LOUGEE JR | JOSEPH SWASEY |
| EDWARD COLCORD | JOHN BOWDEN |
| NICHOLAS SMITH | DUDLEY JAMES |
| JONATHAN JUDKINS | TRUEWORTHY GILMAN |
| JOSEPH MUDGET | THOMAS PIPER |
| JEREMIAH FOLSOM | ELIAS LADD |
| THOMAS NEALEY | |

own as afores^d Such Determination to be by giving Notice thereof in writing unto the Clerk of the new parish within the S^d three months and in default thereof to belong with the Old parish — That the petitioners be exempted from paying any Taxes unto the Old Parish for this present year or to the Support or maintenance of the minister in the old parish or any thing relating to the ministerial Tax That S^d New parish have power to choose all officers necessary for managing Parish affairs or to raising money for y^e Support and Maintenance of the minister And that the Petitioners have Liberty to bring in a Bill accordingly.

MATTHEW LIVERMORE

—clerk—

In Council September 9th 1755

The within Vote of the House read & Concurr^d

THEOD^r ATKINSON Sec^r

G.—Action of the General Assembly, on the Petition.

PROVINCE OF N HAMP

In Council April 9th 1755

read & ordered to be Sent down
to the Hon^{ble} assembly

THEODORE ATKINSON Sec^r

PROVINCE OF } In the House of Repres upon
NEW HAMPSHIRE } Reading the within Petition,
voted That the Petitioners be heard On the
Said Petition on the Third day of the Sitting
of the Gen^l assembly next after the twenty
eighth day of April Ins^d and y^e the Petitioners
at their own Cost Serve the Selectmen of Exeter
with a Copy of this Petition and of the orders
thereon to Shew Cause if any they have why
the Prayer of the Petition Should not be grant-
ed—

MATHEW LIVERMORE Clerk

In Council Eod^m Die

read & Concurr^d

THEOD^r ATKINSON Sec^r

PROVINCE OF } In the House of Representatives
NEW HAMP^r } Sep^r 6th 1755—

Upon hearing the Petitioners of
the within Petition and the Respondents

VOTED that the Petitioners be set off as a Dis-
trict and Seperate Parish from the old Parish
in Exeter with the Estates they do or shall Own
in S^d Town for the time being and for the fu-
ture that when any person or persons Shall
Come into S^d Town to Settle or any Person or
Persons in Town Shall arrive to the age of
twenty one Years, such Persons Shall have the
liberty of three months to determine to which
Parish Such Person will belong together with
the Estates they then do or afterwards Shall

*H.— Remonstrance of the Town Agents, while
this matter was pending.*

TO HIS EXCELLENCY BENNING WENT-
WORTH ESQ^r. Captain General Governour
and Commander in cheif in and over his Majes-
ties Province of New Hampshire and to the
Honourable his Majestie's Council and House
of Representatives convened in general Assem-
bly. We being chosen by the Freeholders and
Inhabitants of the Town of Exeter, to represent
said Town, and on the behalf of our Constitu-
tuents to make answer to a Petition preffer'd to
this Honouble Court; by a Number of Free-
holders and Inhabitants of said Town, praying
that they and their Estates may for the future
be exempted from paying to the Support of the
ministry in the old meeting House Seeing they
represent in their petition, that a minister was
Settled contrary to the Minds of many of the
petitioners

IN ANSWER to which WE humbly beg
leave to reply as follows—

1 MANY of the petitioners especially those that
entered their Dissents against the Settlement
of our Minister the Rev^d Mr. Woodbrige
Odlin were those that first invited him to
preach in this place and were the cheif In-
struments of his being calld from a remoté
place to labour among the People here, Who
had he not esteemed their Invitation to Him,
a Call from God might now have been Serving
the Interest of the Redeemers Kingdom in a
distant Part. But the said Gentleman being
induced by the Importunities of the said Pe-
titioners and others in the Town accepted of
the Invitation to employ his Labours among
them for a considerable Time, at the Expira-
tion of which the Church & Congregation

being sensible of the Infirmities of their aged Pastore tho't an Assistant with him in the Ministry and pastoral Care of their Souls would be for his & their Comfort and having had a long Tryal of our present Minister, By a considerable Majority were well satisfied with Him, and made choice of him in a way agreeable to the Laws of the province. The Town proceeded at their annual Meeting March 28. 1743, To chuse a Committee to agree with and settle the Said Mr. Odlin by a considerable majority And this Committee was further confirmed in their Office by said Town at a Meeting of the Freeholders & Inhabitants June 13: 1743. Those petitioner that entred their Dissents being present and voting with the Town at said Meetings. As to the Validity and Regularity of the Settlement it was agreeable to the Majority of Town & Church approved of and satisfied by a venerable Council called by this Church

2 THOSE who dissented against the Settlement of the said Minister among the Petitioners are many of them such as rent themselves off from the Church covnter to their Covenant Engagements or Church relation & contrary to the platform of Church Disciplin, and their sitting up is disallowed off as being contrary to the known Order of our Churches, and a Council of ten Churches have in their Judgment upon the Case declared their disallowance of those Brethrens withdraw as being very unjustifiable and reproachful to Religion —

3 THOSE petitioners do not profess themselves to be of any different perswasion from the Church they belonged to, but acknowledge they are settled upon Congregational principles and that they could hold occasional Communion with our Minister & Church, and if so why lot stated ? what need of supporting a separate Interest to the prejudice of Religion and the peace & Interest of the Town —

4 WE would inform the Court that there is but about Twenty-five of the petitioners that entred their Dissents against the Settlement of our Minister the rest of them consisting of such persons as have moved into Town or come of Age many of which posses no Estates in the Town and some that were forward for the Settlement at that Time have for what Reasons we know not been prevailed with to join with Them —

5 THE Town has already been divided into so many parishes that we conceive it is unreasonable and what would render it very inconvenient & detrimental to the Town for a Number of persons that dwell in the midst of us

(which have no prospect of being better accommodated (than they might be at the Old meeting House) to be exempted from supporting the Charge of the public ministry, where they with their Families might conveniently attend and we apprehend that we are not at present more than sufficient to support the Charges of one parish with other public Charges —

6 WE apprehend it is unreasonable that the petitioners their Families and Estates shou'd be exempted from paying to our Minister, in that several of their Families attend public Worship at the Old Meeting House and there is no prospect of their being inclined to alter their Sentiments

7 WE conceive that the countenancing a number of persons in Setting up for themselves without sufficient Reasons that are not of different perswasions from those they went of from, will be a tendency to the Subversion of all Order in Churches —

WHEREFORE from the Consideration of the ill Consequences of countenancing them in their irregular proceedings the great Disorder & Confusion that may thereby be introduced with Towns and Churches we conceive will have a tendency to the destroying of all Order and running all into the utmost difficulty if their petition shou'd be granted. Things being in such situation we cannot but apprehend that fixing them on a civil Establishment will be encouraging unwarrantable Separations and destructive to the peace and Order of the Churches in the province.

FOR these & other weighty reasons that might be offered (which will occur to your minds)

WE HUMBLY PRAY That your Excellency & Honours in your great wisdom would dismiss so unreasonable a petition which we conceive tends to the Subversion of Religion —

ZEBU. GIDDINGE
JOHN RICE

I.—Action of a Council of Churches, concerning the dispute.

WE THE ELDERS & delegates of the third Church of Christ in Ipswich the two Churches in Cambridge & the third in Gloucester Convened in Council July 29th 1755 in Exeter at the Mutual request of the Pastor & the first Church in s^d Town and a Number of the brethren Called the new Gatherd Church to Judge of all matters of Difference Subsisting between them in order to lead them into a happy Reconciliation & restoration to Christian Comunion and fellowship—After humble Supplication to God for direction in this Im-

- **portant Affair and full hearing the parties Came to the following Result—**

1st Notwithstanding any Greivances the Brethren of the New Gathered Church (so Called) may have met with or apprehended they had met with from their late Rev^d Pastor and the brethren of the Church yet we Judge their manner of withdrawing Communion from the Church was disorderly, And that such a conduct tends to destroy the peace and order of these Churches, but we apprehend some Charitable allowances are to be made in favour of these brethren Considering the Circumstances of those times, and their plea of Unacquaint- edness with the order of these Churches

2nd We Judge the Reflections of the Separating Brethren upon the late Pastor & the Other brethren of the Church (Calling them Oppos- ers of the Work of Gods Sovereign Grace &c) to be Unbecoming Expressions, savouring of an Uncharitable Spirit or of too great abound- ing in their own Sense and Opinion of things, and we should have been glad if they had been more full and Express in Acknowledging the warmth & Severity of their Expressions—

3rd With respect to receiving to Communion the members of other Churches who are under Admonition; we declare that such a practice is utterly Inconsistent with the order and peace of these Churches, and that if this New Gather- d Church (So Called) retain any such Mem- bers it is Just matter of Offence to these Churches of Christ and in order to any recon- ciliation with these Churches it is our Judg- ment that they deny such members any further fellowship in Special ordinances, till they are restored to the Charity of the Churches to which they respectively belong or regularly dismissed—

4th Provided the New Gather d Church (so Call- ed) Shall manifest their consent to and accep- tance of the Judgement of this Council as above and their readiness to Practice agreeably hereto, wee Advise the Pastor and first Church in this Town to forgive their brethren what- ever has been offensive in their late Trans- actions and Notwithstanding the Exception- able steps they have taken toward their being formed into a Church State, Yet that they own them as a Church of our Lord Jesus Christ and their Pastor (so called) as a Minister of Christ, and receive them to Christian com- union in all ordinances and acts thereof as they do other Churches

5th And upon their Complying as above, we re- commend them also to the fellowship & Comu- nion of all the other Churches in the land walking in the faith & order of the Gospel: at the same time Earnestly recommending it to the New Gatherd Church (so Called) to pay all due respect to the Churches of Christ, and to Exercise great caution that they avoid every thing which may greive or offend them, and now dear brethren of the new gather d Church (so Called) we have proposed Such terms for your being Accepted into communion with the Churches as upon a mature Impartial weigh- ing matters we think highly reasonable for you to Comply with and such as we Judge Necessary to secure the Intrest of religion the honour of Christ, and the peace and safety of these churches, we therefore cannot but hope that God will convince you of your duty herein and Incline you to a hearty Compliance here- with—and as to the Rev^d Pastor and beloved brethren of the first Church we cannot but hope that Considering the times which have passed over us, and the present Circumstances of Your Separating brethren, You will upon their Submitting to and Accepting of our Judgement & advice forgive them, in what- ever has been by them Greivous or Offensive to you & receive them (together with the per- son whom they Acknowledge for their Pastor) in their respective capacities and treat them accordingly by all proper acts of Christian Fellowship & Communion. and now Rev^d Hon^d & Beloved it will be to us matter of Joy and thankfulness to see the people of God in this place thus United in holy fellowship—and we Earnistly Exhort & beseech you in the bowels of our Lord Jesus Christ to forgive one another as you hope that God for Christs sake will forgive you and that you wou'd Embrace one Another as in times past in the Arms of Love & Charity and that there be a freindly Inter- change of all acts of Christian brotherly Com- union as occasion may call for, and that there be a care full avoiding Every thing in speech or behaviour that may greive or Offend Each other and if there shou'd be some diferent sentiments as to some particular points; that there be a careful preserving the Unity of the Spirit in the bond of peace. Finally brethren farewell be perfect be of Good Comfort be of one mind live in peace and the God of Love and peace shall be with you Amen

EXETER Aug^r 1. 1755

Voted Unanimously

SAM^l WIGLESWORTH Moderator

A true Coppy

Attest SAM^l COOK Scribe

J.—Action of the Petitioners, on the Advice of the Council.

At a Meeting of the New gath^d Church of Christ in Exeter—August 4th 1755

VOTED—

That we consent to and accept of the Judgment and Advice of the Council, mutually chosen by us, and the first Church of Christ in said Town, as is contain'd in their result, dated August 1st 1755—and sign'd by the Rev^d Samuel Wigglesworth as Moderator. And we hereby manifest our Readiness to practice agreeably thereto.

VOTED LIKEWISE—

That a Copy of the above be sent to the Rev^d Woodbridge Odlin, to be communicated to the first Church of Christ in Exeter.

| | |
|---------------|---|
| SAMUEL GILMAN | } Ruling Eld ^{rs} in behalf of the Church. |
| DANIEL THING | |
| JOHN PHILLIPS | |

K.—Certificate of Selectmen, concerning Tax for Mr. Odlin's Salary.

| | |
|-------------------------|---|
| PROVINCE OF | } To the Hon ^{ble} His Majesties Council For the Province of New Hampshire |
| NEW HAMPSH ^r | |

These Certifie That the Sum which was Voted by the Town of Exeter to the Rev^d M^r Woodbridge Odlin, this Present year was For his Salary only, & not for any arrearages due to him from the Town—But as there was Something due to him from the Town at that time, The Same is Included in the Town Rate for the Current Year, and not in the Minister's Rate.

All which is humbly certified by
Your Hon^{rs} Most Hum^{ble} Servants

| | |
|------------------------|--------------------------|
| JOSIAH GILMAN | } Selectmen of Exeter |
| ROB ^t LIGHT | |
| JONATHAN GILMAN JUN | |
| CHARLES RUNDLET | |

Concurr'd but Care must be taken in the Act to have Provision that the Town may Choose officers to make the ministerial rate—and also to repair the Churches resp^{re}veally—

That all arrearages if any be paid by both as if not Separated —

The act will not Pass without these articles are Incerted —

L.—Prayer for further Relief.

TO HIS EXCELLENCY Benning Wentworth Esq^r Governor and Commander in Chief in an over his Majestys Province of New

Hampshire the Hon^{ble} his Majestys Council & House of Representatives in General Assembly Convened Decem^{br} 6th 1763.

HUMBLY Shews John Odlin Josiah Samborn & Sam^l Brooks all of Exeter in said Province

THAT By an act Passd in the twenty ninth year of his Late Majestys Reign a new Parish was Incorporated in that part of Exeter Remaining (commonly called the Town) after the Parishes of Brentwood & Epping were Set off which was called the New Parish & Invested with the Powers usual in Such Cases and the remaining part of said Town was made a Parish & authorized to manage their affairs Relating to the Support of the Gospel Ministry Separately and for that purpose was authorized to Chuse assessors of the Parish Taxes Collectors &c which were to be Chosen at the annual Town Meeting for as to Town affairs there was no alteration by Said Act and this was the only matter that could be transacted at the Town Meeting respecting Said Parish—as may at Large appear by reference to said Act

THAT Your Petition^{rs} Suppose it was the design of Said Act that such Assessors should be authorized to call such Meetings of said Parish as there should be Occasion for without any regard or matter to be done by the Select Men of the Town, but that power is not given (unless by a very remote Implication) so that as to any special Business to be done by Said Parish as repairs additions &c to their meeting house they have no method of consulting and Determining but what is drawn into Question & Dispute upon the Doubt about calling the Meeting, nor can they obtain a meeting for the Select Men refuse to call it and the Assessors doubt their authority—

That there is a Necessity of repair^{rs} their meeting house purchasing a Bell & transacting other Parochial Affairs which are all Suspended by the ambiguous Language of said Act WHEREFORE your Petitioners pray the advisement of the General Assembly thereon and that by Resolve they would Declare that the said Assessors have Power to call Such Meeting of said Parish ; if it appears to be within the Intention of said act, or to put Said Parish or remaining part of Said Town under a new Regulation & that no Officer of the Town as Such, may have anything to do with said Parish and that Your Petitioners may have Leave to Bring in a Bill accordingly and They shall ever Pray &c

JOHN ODLIN
SAM^l BROOKS

VII.

PAPERS CONCERNING THE RIOT AT EXETER, 1734.

A.—Depositions taken in the Case.

The following Depositions were Taken at Exeter

April 24th 1734, Before

| | |
|--------------------------|---|
| NICH ^s GILMAN | } Esq ^r Jus ^s of y ^e peace |
| JOHN GILMAN | |
| BAR ^r THING | |
| JOHN PENHALLOW | |

JAMES PITMAN On Oath S^d (being Sent up by His Hon^r Col: Dunbar to Exeter with Several Others on His Maj^{ty} Service) at the House of Sam^l Gilman in Said Exeter as he was with Some of His Company going to bed about Thirty men broke into the Room, & put Out their Candles, & Immediately fell upon him, Benj^r Dockum, Benj^r Pitman, & Robert Gallaway & Did Then & There Beat us & Dragged us about, & at Length got us to the Head of the Chamber stairs & pulled us down, One over another headlong 'till they got us to the Door & pulled us out then with a Clubb Did knock him down upon the Ground Giving him Several blows, with w^{ch} was in Great Danger of his Life having Rec^d Several wounds, & Lost a Great Deal of Blood, he Endeavored to get away as well as He Could, & James Dudley followed him to the House formerly Stephen Dudleys & told him he would be the Death of him afterwards he was Guarded by Cap^t Gilman to the House of one Marshall where he Lodged — — — James Pitman On Oath Said, That being in the House as aforesaid, with Benj^r Dockum & Robert Gallaway in the Kitchen, about 9 of y^e Clock in the Evening three men Bolted into the Room & took Said Gallaway by the Hair of the Head, & were dragging him to the Door, with that he Step^t in to his assistance & Call d Said Dockum, and Dorkum went off, to Call m^r Justice Gilman, who Came in & Commanded the peace, & Order'd the People home, & bid us go to Bed, & we went up in Order to go to bed & Then about 30 men broke in upon us & pulled us Down Stairs headlong & Beat us, & Struck us a great many blows, & Struck him with Clubbs, & being in Danger of being Murdered, he Ran to the House of One Marshall a Hatter & Burst the Door open, & more than a Dozⁿ men followed him & Swore they would murder him, & being So Terrified he was hid by the woman under the Coverlid, & the men Came into the House & made Search for him, & Set a Guard Round the House in Order find him.

HENRY MARSHALL made Oath that he & his Wife were in Bed when Said Pitman Came to his House for Safety & Soon followed a great Number of men to Our Great Surprise & De-

manded Pitman but he Denied that he was there, they then threatened him, but their Voices seemed Disguised, & they Continued Round the House Some Hours to Our Great Terrour

ROBERT GALLAWAY Made Oath to what Benj^r Pitman Swore to, of his being assaulted, also that when they were pulling him down Stairs, Some Said Beat him Others Murther him that he might not Come any more for Boards, & after having been much Beaten, Some Said Let him go, & he then made off as well as he Could & they threw Stones after him & bid him tell his master they would Serve him as bad if he Came, & that he made his Escape for his Life having Lost One Shoe & his Hat in the fray, his Cloths being much Torn

JOSEPH CROSS made Oath that being in the Lower Room of the Said House where the fray was in the Chamber Some men Started into the Room & put out the Light upon w^{ch} he Ran into the Kitchen & the men after him in the Dark & they taking hold of him pulled him Out of the Doors, & One knocked him down wth a Clubb & he begged im not to murder him, & Struck him wth their fists, & Kicked him Several times, & then bid him Run, & he got to a fence & Jumped Over where he Lay till the Riot was pas^t —

WALTER OLSTON, made Oath that he went from the House of Sam^l Gilman to the Boat for Snapsack & other things, & Returning he met Several men in the Street who assaulted him & Beat him very much, & one of the men that Struck him was W^m Graves, w^{ch} was done between Eight & nine of y^e Clock Mem^o he was told his X^{ian} name was W^m —

WILLIAMS STIGGENS on Oath Said that being being below in the Kitchen he heard the Cry of Murther & being afraid of y^e ill Consequences, & Considering he was in Danger he & W^m Tarrat made their Escape out of y^e House & got off in the Crowd, & did not know how it Ended till this morning, & the Woman Hurried us out of the House, who Said Lord help us I am afraid their will be Murther, & my answer was I am afraid there will, & go get away as aforesaid—

WM TARRAT also made Oath to the Truth of what Stiggins Swore to—

NEGRO PETER, Declared That Jerr^e Calf Jun^r Came to him Last Night, & told him to keep out of y^e way for there was a Design on foot to Do Damage—

BEN^r DOCKUM On Oath Said, that being in the House of Cap^t. Sam^l. Gilman of Exeter, there was a Disturbance in the Evening by Several people that began a quarrel with him, Benj^r Pitman & Robert Gallaway in the Lower Room,

& Three men Seized Gallaway & took him by the Hair & Struck him Several blows & pulled him along the floor, upon which the Said Pitman Interposed & Cried out help for they will kill the Man, upon w^{ch} he Ran & Called Col. John Gilman who was in the House who Immediately Came & Commanded the peace & ordered the men all out of y^e House Except Those that were to Lodge there, & then told us we ought to go to bed, accordingly about Nine of the Clock or a little after, James Pitman, Robert Gallaway, Joseph Miller, with himself were going to bed & went into the Chamber, some of us undressing, (the Doors of the Chamber being Shut), & of a Sudden the Doors were Burst open, & Immediately about Thirty men Sprang in upon us, & Said now you Doggs we have got you & will be the Death of you, & they fell upon us with their fists, beat us & Dragged us about, & to the head of the Stairs, & Tumbled us down headlong, & So out of the Doors, & Others at the Door fell on us with Clubbs & Sticks & Cried out Kill the Doggs, upon w^{ch} he begged e'm not to Kill him, & One man unknown to him Steped in & took hold of him & Said Run if you Can & I will help you, at w^{ch}, & with his assistance I got off a little way & hid my Self under a wharfe & I heard e'm Say follow, Chase him, you will find him upon the flats & hunt him there, & he Lay under the wharfe till the tide Came up to him & then he Crawled out & Lay under a pile of Boards till day Light, they then being Dispersed he went to Look for his Companions, his hat & pocket book & part of his Jacket all w^{ch} he found Except his pocket book in w^{ch} was between 20, & 30/ Money

JOSEPH MILLER Swore to the Truths of what Dockum Did, of what happen'd in the Chamber & till he was pulled out of the House, & after that they took him by the arms & Leggs, & dragged him to the Bank where was a Pile of Boards over w^{ch} they threw him, & Down the Bank about fifteen foot, by w^{ch} he rec^d a Great hurt in his Back, where he Lay 'till next morning being afraid to be Seen again Least he Should be murther'd, but being hard of hearing Could not understand their Discourse afterwards

Copy

JOHN PENHOLLOW
Jus; p^oApril y^e 25th 1734

On the 22^d of this Instant april as I was a Riding in Company with Simon Gilman of Exeter he asked me Some Questions about Buring of Boards to wich I answered him I knew nothing of it he then toald me he would tell me Something if I would not tell of it agan he then began and Sade that the Peppell of Exeter had

hirred three Neatock Indines to kill Collonell Dunbar mr adekeson and my Self as we were Going up to y^e Black Rock mill the Indins had Gote thair mony for thear work all Ready and ware Suplid with a Quart of Rum Each of them every Day by them that Hiered them and that theare was two men Gon up to free town that night wheare y^e Indens wated for thear orders and that y^e two men had Cared up a Gallon of Rum with them to Give S^d Indins that they should not fale of thare work he allso aded that y^e Indins as Sune as they have Dun thay are to Go Right away to Neatock whare they wold not be Discoverd

PETER GRELEY

PROVINCE OF }
NEW HAMPS^h }PORTSM^o April 26th 1734.

Then the above named Peter Greely made Oath to the Truth of the forgoing Deposition

Cor: JOHN PENHALLOW

Jus^o p^o*B.—Action of Council on the subject.*PRO: N— HAMP^r

At a Council held at the House of Mr Gambling in Portsm^o on Monday May 6 1734

Present

Mr Presed^t WALTON

JOTHAM ODIORNE
HENRY SHERBURNE
RICH^d WALDRON
BENJ^a GAMBLING

EPH^a DENNET
JOSH^a PEIRCE
JOS: SHERBURNE
ELLIS HUSKE

Mr Presd^t laid before the Board an order from His Excellency the Gov to him of the 2^d of the present month, directing him to Convene the Council, to have their advice upon a proclamation relating to a late notorious riot at Exeter which order being read the proclamation which was Sent with the said order was laid before the Board and read also to which the Council did advise & Consent unanimously & order that the same be forthwith made publick in the usual manner

C.—The Governor's Proclamation.

BY HIS EXCELLENCY JONATHAN BELCHER Esq Gouvneur and Commander in Chief in and over His Majesty's Province of New Hampshire

A PROCLAMATION.

WHEREAS The Surveyor General of His Majesty's Woods on the Twenty Sixth of the last moneth represented at the Council Board

that he had been insulted by a number of armed men, to him unknown, at Copy Hold Mill in Exeter, and that afterwards he had hired ten men to go to the Said Mill to pile & mark with the broad Arrow a Parcel of Boards that were cut out of forfeited* Logs, and that the Said hired men had been beaten & abused by a great Company of men armed with Clubs & Staves to the Number of about Thirty, and that the Boat employed in that Service was cut to Pieces and Some of the Sails Spoiled, & others stolen; and Whereas the Said Surveyor General hath Suggested That there is a Conspiracy against his Life by Some wicked & Evil minded Persons, who have hired divers Indians to destroy him, of which Design he has received a Written Testimony.

I HAVE therefore thought fit with advice of His Majesty's Council to issue this Proclamation; Hereby requiring all His Majesty's Judges, Justices of the Peace, Sheriffs and Constables in their respective Offices, and all other His Majesty's good Subjects to make diligent Search and Inquiry after, and use their best Endeavours for the Discovery of the Persons or any of them who were concerned in the Insults or assaults abovementioned, or in destroying the Said Boat or Spoiling or Stealing the Sails belonging thereto, or in any Conspiracy or design against the Life of the Said Surveyor General, as also to discover the Said Indians, who are Said to be hired to Execute Such villanous Purposes; and I do hereby strictly charge the Grand Jury of the Said Province diligently to inquire into the Premises, That So the Offenders may be brought to condign Punishment; and I do hereby also declare, That whosoever shall detect the Offenders above mentioned or any of them, Shall receive all proper marks of the Countenance & Favour of this Government; And if any of the Offenders Shall deliver themselves up to Justice, they Shall be pardoned, Provided they discover their Accomplices.

And I do hereby further require all His Majesty's Officers Civil & Military, and all other His good Subjects within this Government to be aiding & assisting from time to time as need shall require to the Hon^{ble} David Dunbar Esq Surveyor General of his Majesty's Woods, and his Deputies and assistants in the Execution of their office, and that they strictly observe all acts of Parliament for the Preservation of His Majesty's Woods, and that they endeavour by all proper means that the Violators of the Said Acts be brought to Justice, and more Especially that Prosecution be made against all Persons,

who Shall presume to cut into Boards, or any other Ways manufacture Such Trees or Logs as are by Law forfeited and condemned to His Majesty's Use —

Given at the Council Chamber in Portsmouth this sixth Day of May 1734 annoy Rⁱ Rⁱ Georgii Secundi magna Britannia & e^o Septimo.

J. BELCHER

By Command of His Excellency
with Advice of the Council.

RICH^d WALDRON Sec^y

GOD SAVE THE KING.

D.—Letter from Colonel Dunbar to the Justices at Exeter.

PORTSMOUTH N HAMPSHIRE Sep^r 27th 1735.
GENTLEMEN—

After the usage I met with at Coppyhold Mill in april last, and Soone after the Violence offered to ten men hired and Employed by me for his Maj^{ties} Service, to Separate & mark the Boards Decreed to his Maj^{ties} at Severall Mills within your Township of Exeter, and the Township of Dover all within this Province, Which Said ten men were in a verry extraordinary manner assaulted & Ill Treated in the Body of the Town of Exeter, whereupon I made my application to his Excell^{ty} Gov^r Belcher upon the twentieth of June last and Since (for want of an answer) upon the 29th of August, that he would be pleased to Order the Sherrifs and Justices in Each Township to go to the Mills where Condemned Boards did lye, & there to oblige men to help me or any employed by me for Common hire to Seperate & mark what Boards Should be found there, as far as the Number Decreed & afterwards to Haul them to the next landing place, and there to deliver them to me or my orders upon paying down the usuall prises in the Country for the Severall Distances, his Excell^{ty} has tho^t fit to Send me from Boston his Warrant which the Bearer Charles Gorwood will Shew you, and Deliver you an attested Copy, and in Virtue of it, as well as what has been Printed in the Boston Gazet upon the 26th of August last (which Gazet the Bearer will alsoe Deliv^r to you) I Desire & in his Maj^{ties} name, I Demand of you that Some of you will go with the Said Charles Gorwood to Coppyhold Mill; Black Rock Mill, upper and Lower Tuckaway Mills, Wadlys Mill, the Book Mill, Gilmans Mill & Piscassack mill, which two last are neare New Market in your Township, and there to oblige men for usuall Wages or hire to Seperate & mark Such White Pine Boards as may be found at the Said Severall mills, as far as y^e numbers Decreed for his Maj^{ties} use & an attested Copy of Said Decreee may appeare, and afterwards I desire, & in his Maj^{ties} name.

* The word "picked" in the article on the *Riot at Exeter*, in the October, 1868, number of the Magazine, page 191, should undoubtedly be "forfeited." W. F. G.

were equipped and drilled for the service, in little more than a month; and, under the command of Colonel William Wanton, sailed for Nantasket, the rendezvous of the fleet, on the nineteenth of June, where they arrived three days after. There they were destined to remain for five months, in the pay of the Colony, unable to move beyond, owing to the non-arrival of the British fleet which was to co-operate with them.

After waiting several months for the British fleet, Colonel Vetch, the Queen's messenger, requested the Colonial Governors to meet Colonel Nicholson, the Commander of the expedition, and himself, "at the most commodious central place of all the said Governments, which," he says, "I humbly conceive to be about New London." Soon after, he appointed Newport as the place of meeting, deeming it to be more convenient. The meeting took place about the twelfth of October; but, for some reason, adjourned to Rehoboth. It was over before the nineteenth, as Governor Saltonstall returned to New Haven, on that day, from the Convention.

With the same object in view that the Convention of the Governors had, a Special Session of the General Assembly of Rhode Island took place in September, at which a Committee of ten persons were appointed to aid the Governor, with full power to act while that body was in session. In the following month, before any meeting had taken place of this Council, news arrived from England of the defeat of the allies in Spain, and the consequent withdrawal of the fleet destined for Canada. An Address to the Queen was adopted, urging, anew, the reduction of Canada.

In October, the subject of invading Canada was again brought before the General Assembly and determined upon. At the same time, an Act was passed for disbanding the troops and withdrawing the transports which had been sent five months before to Nantasket, and which had been waiting the arrival of the British fleet, as before stated. The new Act of Assembly provided for the raising of one hundred and forty effective men for an expedition against Port Royal, in Nova Scotia; and another was passed for issuing five thousand pounds, in Bills of Credit, for defraying the expenses to be incurred. The other Colonies which contributed men for the expedition also issued Bills of Credit to defray the expenses of their levies.

The Council of War now called upon Rhode Island to furnish two hundred men for the proposed expedition for the reduction of Port Royal. The Assembly believed the number greater than her proportion, yet they say, "for the loyal duty we have and do bear to her Majesty, and for the forwarding of so hopeful an expedition, under the commands of so honorable and worthy a General, we do grant the demands of

"the Council of War," etc.; and add that "this Act of granting more than our proportion, is no ways to be construed and drawn up into a precedent in any ways hereafter." The two hundred men were accordingly ordered to be raised, and Lieutenant-colonel John Cranston was chosen to command them. The Council of War were authorized to take up an additional vessel as a transport, and to procure the necessary stores. Having thus made provision for the expedition, the Assembly voted an Address to the Queen, relative to the larger quota of men furnished by the Colony than was due from it, when compared to the forces furnished by the neighboring Colonies.

The fleet for this expedition, which consisted of twelve ships of war and twenty-four transports, sailed from Nantasket for Port Royal, on the eighteenth of September, 1710. Of these, fourteen were in the pay of Massachusetts, five of Connecticut, two of New Hampshire, and three of Rhode Island. Of troops, there were five Regiments, all under the command of General Nicholson. They reached Port Royal in six days. One of the Connecticut transports ran ashore, at the mouth of the river, and was lost; and her crew of twenty-six men drowned. The forces landed without opposition. Subercase, the Governor, had but two hundred and sixty men, and most of these he was afraid to trust out of the fort, lest they should desert to the English. As the army was marching up to the fort, several men were shot by the inhabitants, from behind fences; and, for several days, while the necessary preparations were being made by the English, the French threw shells and shot from the fort, which were replied to by shells from the English bomb-vessels.

On the twenty-ninth, the Governor sent out a flag of truce, praying for leave for the ladies in the fort, who were in danger from the bombs, to take shelter in the English camp. On the first of October, three batteries were opened upon the fort, at one hundred yards distance, the French firing their shot and throwing their shells at the same time. During the same day, a summons was sent to the fort to surrender; a cessation of arms was agreed upon; and the terms of capitulation soon settled. The following day, the Articles were signed surrendering the fort to her Majesty, Anne, Queen of Great Britain. The garrison was permitted to march out with their arms and baggage, drums beating, and colors flying, and to be transported to Rochelle or Rochfort, in France. The English lost but fourteen or fifteen men in addition to those drowned in the Connecticut transport. The name of Port Royal was changed to that of Annapolis Royal. Colonel Vetch was left in charge of the fort, with a sufficient garrison; and the fleet and army returned to Boston, where they

other for the sum of two hundred pounds advanced by said Town to five men raised for the defence of Rhode Island for the current Year for their Bounties & travel* money—

| | |
|----------------------------|--|
| SAMUEL FOLSOM | } Selectmen for the Town of Exeter |
| THOMAS FOLSOM | |
| BENJ ^a BOARDMAN | |
| ELIP ^a LADD | |
| JEDIDIAH JEWETT | |

Names of the Continental Soldiers John Bartlett
Samuel Lock George Patterson Alex^r Patterson & Richard Cook*

These men were muster'd by Col^o Nich^a Gilman
Must^r M^r

Ex^d Φ JOSIAH GILMAN Jun^r

Copy ex^d Φ JOSIAH GILMAN Jun^r

D.—Exeter's Quota in the Revolutionary Army.

A Return of Soldiers in the New Hampshire Regiment Inlisted before January 1781, for the Town of Exeter During the War

| Viz ^t | | |
|------------------|--------------------------------|----|
| DANIEL MORSE— | 1 DANIEL SULLIVAN— | 15 |
| JAMES NORRIS— | 2 JAMES DOCKUM— | 16 |
| SAMUEL NORRIS— | 3 BENJ ^a MORSE— | 17 |
| JOHN WODLEIGH— | 4 SAMUEL MARSH— | 18 |
| THOMAS WEBSTER— | 5 RICHARD COOK— | 19 |
| CARTEE GILMAN— | 6 GEORGE PATTERSON— | 20 |
| JONATHAN FLOOD— | 7 ALEX ^r PATTERSON— | 21 |
| JONATHAN HILL— | 8 MICHAEL GEORGE— | 22 |
| ENOCH MORSE— | 9 SAMUEL LOCK— | 23 |
| MOSES LOOGE— | 10 EZEKIEL GILMAN— | 24 |
| WILLIAM GORDEN— | 11 JOHN WEEKS— | 25 |
| JOSEPH GORDEN— | 12 ZEPHENIAH DOWNS— | 26 |
| JOHN HILTON— | 13 JOHN POWELL— | 27 |
| HENRY BARTER— | 14 WILLIAM NEALY— | 28 |

Inlisted since January 1781 for 3 years.

| | | |
|-----------------|----------------------|---|
| JOHN EDWARDS— | 1 ELIPHALET RAWLINS— | 2 |
| EPHRAIM DUDLEY— | 3 | |

EXETER May 25th 1781

Errors Excepted.

| | |
|---------------------------|-----------------------------|
| DANIEL TILTON | } Selectmen of Exeter |
| JAMES THURSTON | |
| EPH ^m ROBINSON | |

III.—A NAVAL HISTORY OF RHODE ISLAND:—CONTINUED FROM VOLUME VII., PAGE 328.

By HON. JOHN RUSSELL BARTLETT.

IX.

FRENCH PRIVATEERS AGAIN ON THE COAST. VESSELS SENT IN PURSUIT OF THEM. THE FRENCH BURN THEIR PRIZE. EXTENT OF SHIPPING IN

THE COLONY. FONDNESS OF RHODE ISLAND BOYS FOR THE SEA. QUEEN ANNE CALLS FOR TROOPS AND VESSELS FOR THE INVASION OF CANADA. DEPARTURE OF THE EXPEDITION. NON-ARRIVAL OF THE BRITISH FLEET AND RETURN OF THE FORCES. THE INVASION OF CANADA AGAIN DETERMINED ON, BY THE ASSEMBLY. DEPARTURE OF A NEW EXPEDITION. THEY ATTACK PORT ROYAL, IN NOVA SCOTIA. SURRENDER OF THE PORT AND GARRISON. JOY IN NEW ENGLAND AT THE SUCCESS OF THE EXPEDITION.

In 1708, French privateers again appeared on the coast, which awakened anew the naval spirit of the Colony. "On the eighth of September," writes Governor Cranston to the Board of Trade, "upon intelligence given me by an express from Martha's Vineyard, that a Privateer had chased and taken a Sloop, and chased a Brigantine on shore, upon said island, I despatched (with—"in three hours of the receipt thereof) two "Sloops under the command of Major William Wanton and Captain John Cranston. The enemy fearing a sudden expedition, being well "acquainted with our dispatch on such occasions, burnt his prize, and made the best of "his way into the sea, so that our people could "not get any sight of him." They pursued him for twenty-four hours, when, finding he had changed his course, they gave up the chase.

At this time, there was twenty-nine vessels belonging to the Colony, its trade having increased much within a few years. These vessels were engaged in trade with Madeira, Fayal, the West Indies, and Spanish Main. The cause of this increase was attributed, by Governor Cranston, in his letter to the Board of Trade, "to the "inclination the youth on Rhode Island have to the sea." "The land on the island," he adds, "is all taken up and improved in small "farms, so that the farmers are compelled to "place their children to trades or callings; but "their inclination being to navigation, the "greater part betake themselves to that employment." The number of inhabitants in the Colony was, at this time, seven thousand, one hundred, and eighty one, of which four hundred and twenty-six were blacks.

In May, 1709, upon the demand of Her Majesty, Queen Anne, an expedition was organized for the invasion of Canada; a war-tax of one thousand dollars was ordered to be levied; and two sloops, the *Diamond* and the *Endeavor*, taken up for the purpose, together with some transports, to carry the troops to Boston. Captain Edward Thurston was chosen Commissary, and was, furthermore, charged with the duty of providing naval stores, arms, ammunition, etc., for the expedition. Two hundred effective men

* Raised in 1779.—W. F. G.

were equipped and drilled for the service, in little more than a month; and, under the command of Colonel William Wanton, sailed for Nantasket, the rendezvous of the fleet, on the nineteenth of June, where they arrived three days after. There they were destined to remain for five months, in the pay of the Colony, unable to move beyond, owing to the non-arrival of the British fleet which was to co-operate with them.

After waiting several months for the British fleet, Colonel Vetch, the Queen's messenger, requested the Colonial Governors to meet Colonel Nicholson, the Commander of the expedition, and himself, "at the most commodious central place of all the said Governments, which," he says, "I humbly conceive to be about New London." Soon after, he appointed Newport as the place of meeting, deeming it to be more convenient. The meeting took place about the twelfth of October; but, for some reason, adjourned to Rehoboth. It was over before the nineteenth, as Governor Saltonstall returned to New Haven, on that day, from the Convention.

With the same object in view that the Convention of the Governors had, a Special Session of the General Assembly of Rhode Island took place in September, at which a Committee of ten persons were appointed to aid the Governor, with full power to act while that body was in session. In the following month, before any meeting had taken place of this Council, news arrived from England of the defeat of the allies in Spain, and the consequent withdrawal of the fleet destined for Canada. An Address to the Queen was adopted, urging, anew, the reduction of Canada.

In October, the subject of invading Canada was again brought before the General Assembly and determined upon. At the same time, an Act was passed for disbanding the troops and withdrawing the transports which had been sent five months before to Nantasket, and which had been waiting the arrival of the British fleet, as before stated. The new Act of Assembly provided for the raising of one hundred and forty effective men for an expedition against Port Royal, in Nova Scotia; and another was passed for issuing five thousand pounds, in Bills of Credit, for defraying the expenses to be incurred. The other Colonies which contributed men for the expedition also issued Bills of Credit to defray the expenses of their levies.

The Council of War now called upon Rhode Island to furnish two hundred men for the proposed expedition for the reduction of Port Royal. The Assembly believed the number greater than her proportion, yet they say, "for the loyal duty we have and do bear to her Majesty, and for the forwarding of so hopeful an expedition, under the commands of so honorable and worthy a General, we do grant the demands of

"the Council of War," etc.; and add that "this Act of granting more than our proportion, is no ways to be construed and drawn up into a precedent in any ways hereafter." The two hundred men were accordingly ordered to be raised, and Lieutenant-colonel John Cranston was chosen to command them. The Council of War were authorized to take up an additional vessel as a transport, and to procure the necessary stores. Having thus made provision for the expedition, the Assembly voted an Address to the Queen, relative to the larger quota of men furnished by the Colony than was due from it, when compared to the forces furnished by the neighboring Colonies.

The fleet for this expedition, which consisted of twelve ships of war and twenty-four transports, sailed from Nantasket for Port Royal, on the eighteenth of September, 1710. Of these, fourteen were in the pay of Massachusetts, five of Connecticut, two of New Hampshire, and three of Rhode Island. Of troops, there were five Regiments, all under the command of General Nicholson. They reached Port Royal in six days. One of the Connecticut transports ran ashore, at the mouth of the river, and was lost; and her crew of twenty-six men drowned. The forces landed without opposition. Subercase, the Governor, had but two hundred and sixty men, and most of these he was afraid to trust out of the fort, lest they should desert to the English. As the army was marching up to the fort, several men were shot by the inhabitants, from behind fences; and, for several days, while the necessary preparations were being made by the English, the French threw shells and shot from the fort, which were replied to by shells from the English bomb-vessels.

On the twenty-ninth, the Governor sent out a flag of truce, praying for leave for the ladies in the fort, who were in danger from the bombs, to take shelter in the English camp. On the first of October, three batteries were opened upon the fort, at one hundred yards distance, the French firing their shot and throwing their shells at the same time. During the same day, a summons was sent to the fort to surrender; a cessation of arms was agreed upon; and the terms of capitulation soon settled. The following day, the Articles were signed surrendering the fort to her Majesty, Anne, Queen of Great Britain. The garrison was permitted to march out with their arms and baggage, drums beating, and colors flying, and to be transported to Rochelle or Rochfort, in France. The English lost but fourteen or fifteen men in addition to those drowned in the Connecticut transport. The name of Port Royal was changed to that of Annapolis Royal. Colonel Vetch was left in charge of the fort, with a sufficient garrison; and the fleet and army returned to Boston, where they

were received in triumph. Great joy was manifested throughout New England, at the success of the expedition, which consisted almost wholly of men and means furnished by the Colonies; and the Assembly of Rhode Island voted a gratuity to Major George Lee, who brought the news. It would appear, from the records of Rhode Island, that one of its Sloops was lost; and an appropriation of one thousand pounds was made for it. Hutchinson, from whom we derive the particulars given, only mentions the loss of one of the Connecticut Sloops.

X.

RENEWED EFFORTS FOR THE CONQUEST OF CANADA.

ANOTHER EXPEDITION DETERMINED ON. RHODE ISLAND VOTES AN ADDRESS TO QUEEN ANNE. MEN RAISED AND APPROPRIATION MADE FOR THE EXPEDITION. ITS DEPARTURE FROM BOSTON. THE FLEET DISPERSED BY A STORM IN THE ST. LAWRENCE. A THOUSAND LIVES LOST. FAILURE OF THE EXPEDITION. GOVERNOR HEATHCOTE MAKES COMPLAINT AGAINST NEWPORT. CAPTURE OF PIRATES AND THEIR EXECUTION, IN NEWPORT.

The success that attended the expedition against Port Royal greatly increased the military spirit which had ever prevailed in New England, and, particularly, in Rhode Island. The leaders of the late expedition, too, were, by their success, encouraged to renewed attempts against Canada. General Nicholson, therefore, who had returned to England after his gallant exploit at Port Royal, lost no time in again bringing to the notice of the Ministry his plans for another Campaign, which should have in view the complete reduction of Canada. His efforts were successful; and he returned, immediately, to New England, to announce the intentions of the Government. A Convention of the Governors, at once, assembled at New London to agree upon a plan for the Campaign; and, ere they had completed their labors, the British fleet of fifteen ships of war, with forty transports, under Sir Hovenden Walker, arrived at Boston. Great was the joy manifested throughout New England, on this occasion. The several Legislatures were called together; and the most prompt and energetic measures determined on. The General Assembly of Rhode Island voted an Address to Queen Anne, rendering to her Majesty "the most hearty thanks for her "indulgent care and thoughtfulness of us, in "these her Majesty's Plantations," in the endeavor "to oppress our enemies in these "parts." Thanks were also voted to General Nicholson, for the hearty zeal he had manifested in the cause. At the same time, it was ordered that one hundred and seventy-nine men be raised for the proposed expedition; and that Major

James Brown and George Goulding, with the Commissary-general, be a Committee to buy a vessel for the Colony's service in the expedition, together with the provisions and other necessities for the same. To provide for the expenses to be incurred, one thousand pounds were voted, and an additional six thousand pounds were to be issued in Bills of Credit, a portion of which was for the same service.

With remarkable promptitude, the northern Colonies responded to the call for men and provisions, in which Rhode Island did her part. But a new difficulty, not anticipated, now arose. The credit of England was low; and Bills of Exchange on the Government, to pay for the expenses of the expedition, could not be negotiated. In this emergency, Massachusetts came nobly forward, as she has ever done, on similar occasions, and issued Bills of Credit, a species of paper corresponding to the State Bonds of our day, which were given to merchants who furnished provisions and other necessities to the fleet. After but a month's delay, in furnishing auxiliaries, provisions, etc., the fleet sailed from Boston, under the command of Admiral Walker, with an army of five veteran Regiments, of Marlborough's Army, and two Colonial Regiments, numbering, together, nearly seven thousand men, under Brigadier-general Hill.

New York, New Jersey, and Connecticut furnished fifteen hundred men for the expedition which assembled at Albany, whence they were to operate against Montreal, simultaneously with the attack on Quebec. Eight hundred warriors of the Five Nations of Indians also joined the force, all of which was placed under the command of General Nicholson.

The fleet entered the St. Lawrence in safety, and there waited six days for the arrival of the transports. But, ere they proceeded farther, they were overtaken by a violent storm in which eight of the transports were wrecked and nearly a thousand men perished. Great blame was attached to Admiral Walker for his delay, as he could easily have reached Quebec had he proceeded before the storm occurred. But this disaster broke up the expedition; and, without farther ceremony, the Admiral sent home the Colonial transports, and, with his fleet, sailed direct for England. General Nicholson heard of the disaster before he had reached Lake Champlain, and at once returned with his army.

The Colonies, including Rhode Island, severally adopted Addresses to the Queen, setting forth the exertions they had made in the common cause against her enemies, the French, and urged another expedition against Canada; but the Peace which soon after followed, by which Acadia—now Nova Scotia, Newfoundland, and the regions around Hudson's Bay—was ceded to Great Britain, rendered it unnecessary.

In 1718, an Act was passed for the encouragement of seamen, by which the enemy's vessels and other property appertaining thereto, taken by vessels legally commissioned by the Governor, should belong to their captors, His Majesty's dues and the charge of outfit alone excepted.

The following year, a letter was written from Newport by Caleb Heathcote, Governor of the Colony of New York, to the Board of Trade, making a complaint against Rhode Island, among other things, for making laws which operated against the King's officers, who, by hindering the Colonists "from a full freedom of illegal trade, are accounted enemies to the growth and prosperity of their little Commonwealth." "And 'tis very wonderful to me," continues the writer, "who am thoroughly acquainted with the temper of the people, that none of His Majesty's Officers of the Customs have been mobbed and torn in pieces by the rabble, and of which some of them have very narrowly escaped; an instance whereof happened in this town, to the present Collector, who having made seizure of several hogsheds of claret, illegally imported, and notwithstanding he had the Governor's Warrant, and the High Sheriff, besides his own officers, to assist, and took the claret in the day time, yet the town's-people had the insolence to rise upon them, and insult both them and the civil officers; and having, by violence, after a riotous and tumultuous manner, rescued and possessed themselves of the seizure, set the hogsheds ahead, and stove them open, and with pails drank out and carried away most of the wine, and then threw the remainder into the streets."

"No sooner was the tumult over, than John Wanton," continues Heathcote, "who uses the sea, and is Master of a Sloop, a Magistrate of the people's choice (as may be reasonably supposed), for keeping up the rage and humor of the mob," issued his Warrant for arresting Mr. Kay, the Collector, under pretence of his taking greater fees than the law allowed. In bringing the matter before the Governor, Kay was discharged; nevertheless, Wanton caused him to be arrested again; refused to admit him to bail; and hurried him off to prison, amid a crowd of spectators.

Piratical vessels had lately made their appearance again on the coast; indeed, they had not ceased with the termination of the late War, but continued to commit great depredations, along the whole American coast and in the West Indies. On the eighth of May, 1723, two of these vessels, named the *Ranger* and the *Fortune*, which had committed several piracies, and were well known, captured the ship *Amsterdam Merchant*, John Welland, Master. The next day, they plundered her of money and a consid-

erable amount of stores, after which they cut off the Captain's head, and then sunk the vessel. A month later, they took a Virginia Sloop, and, after rifling her of her valuables, let her go. The following day, this vessel fell in with His Britannic Majesty's Ship the *Greyhound*, commanded by Captain Solgard, of twenty guns, to whom they related the particulars of their capture and release. Learning that the pirates had sailed to the northward, in the direction of Block-island, the *Greyhound* made sail in that direction, in pursuit, and fortunately came up with them, three days after, near the East end of Long-island. The pirates, taking the *Greyhound* for a merchant vessel, immediately gave chase, and engaged her in battle. The contest continued pretty warm for an hour, when the pirates discovered that they had mistaken their antagonist, and, instead of an unarmed merchant vessel, had encountered a British man-of-war. As they were getting the worst of it, they now attempted to make their escape. The wind being light, Captain Solgard got out his boats and oars, and followed in pursuit. A second engagement took place, during which the *Greyhound* got between the pirates, and, after a while, succeeded in disabling one of them, when they called for quarter. The other vessel escaped. In the action, seven men were wounded on board the *Greyhound*, and a larger number on board the piratical vessel. The latter was taken to Newport, together with her crew of thirty-six men.

Such a capture naturally created a great sensation in the Colony, which suffered much from the depredations of pirates, for many years; and the General Assembly ordered a military force to guard the prison where the pirates were confined. In July, an Admiralty Court, of which William Dummer, Lieutenant-governor of Massachusetts, was President, assembled in Newport, to try the prisoners. The other members of the Court were Richard Ward, Register; Jahleel Brenton, Jr., Provost Marshal; Governor Cranston; the Collector of Rhode Island; four members of the Massachusetts Council; and some others. The trial, which occupied two days, resulted in the conviction of twenty-six of the pirates, who were sentenced to be hanged. The execution took place on Gravelly-point, also called Bull's-point, "within the flux and reflux of the sea," opposite the town of Newport, on the nineteenth of July, 1723. The bodies were buried on Goat-island. Only one of these men was a native of Rhode Island; all the others were foreigners, chiefly Englishmen. Their trial was published in Boston, in a pamphlet. It was also reprinted in Bull's *Memoirs of Rhode Island*, which appeared in the *Rhode Island Republican*, in 1832 to 1836; and again in the *Newport Mercury* for July, August and September, 1858.

In the month of October, 1758, four other pirates were tried, condemned, and executed at Newport.

XI.

WAR WITH SPAIN, 1739. BATTERIES ARMED AND WATCH-HOUSES BUILT ALONG THE COAST. AN EXPEDITION AGAINST THE SPANISH WEST INDIES DETERMINED ON. TWO HUNDRED MEN RAISED FOR THE PURPOSE. THE COLONY'S WAR-SLOOP "TARTAR." HER PRIZES. GENERAL WENTWORTH CALLS FOR TROOPS. EXPEDITION TO CUBA. ITS FAILURE. SPANISH PRIZES BROUGHT IN. PROPOSED EXPEDITION AGAINST LOUISBOURG.

The War between Great Britain and Spain awakened, anew, the desire of King George's subjects to "annoy His Majesty's enemies," as there was a fair prospect of remunerating themselves for this service, by the capture of valuable prizes. In 1739, the General Assembly authorized the Governor to grant privateers' Commissions against the subjects of Spain, "as he shall think needful and necessary, pursuant to His Majesty's Warrant." Furthermore, this body also passed a vote to lend to Godfrey Malbone, John Brown, and George Wanton, "so many of the Colony's small arms, pistols, cutlasses and great shot, as they have occasion for, for fitting out their private men of war, upon their giving sufficient security to the General Treasurer to return as many and as good as they shall receive, and paying the necessary charges arising thereon, in one month's time." Steps were taken, soon after, to place the Colony on a war footing, by passing an Act "to make necessary preparations for the defence of the Government." Fort George, at Newport, was put in repair; ten additional cannon were mounted; a large quantity of ammunition was placed there; and a Company of soldiers, under Colonel John Cranston, enlisted for its defence. Another detachment was enlisted, for six months, and sent to Block-island, where six great guns were mounted for its defence. Captain Edward Sands and Nathaniel Littlefield were charged with the duties at the island. Watch-houses were built on Brenton's-point, Seahuest-point, Jamestown, Point Judith, and Watch-hill. Such were the safeguards provided on land. To protect the Colony by water, a war-sloop was ordered to be built, "in the best shape."

But the active and restless spirit of Rhode Island was not satisfied with protecting themselves against the enemy and acting merely on the defensive. They determined, next, to act on the offensive; and, in an Act passed by the General Assembly, they expressed their desire "to distress and annoy the Spaniards in the

"most effectual manner." For this purpose, it was determined to make an attempt upon "some of the most considerable of the Spanish settlements in the West Indies." Troops were next ordered to be raised, and every inducement offered to such as would enlist. A bounty of three pounds was to be given to every able-bodied man who enlisted, and an exemption from all military service, for the space of three years after his return, except in cases of the greatest extremity. Transports were further to be provided; and the Governor was authorized to issue his Proclamation, forthwith. The Committee to provide vessels and provisions for the expedition were George Goulding, Peter Bours, and Joseph Whipple.

Colonel John Cranston was appointed Captain of the Colony's Sloop, which was called the *Tartar*, for her first cruise. His instructions were to "detect any illegal traders, and take any of the King of Spain's subjects or interest." He appears to have been ready for sea in the Summer of the year 1740.

It would appear that more men had been enlisted than were required for the contemplated expedition against the Spaniards. Two hundred of these were retained, and the remainder were ordered to be discharged "upon the best terms they can." The two Captains commissioned for the expedition were Captain Joseph Sheffield and Captain William Hopkins. Three Colonels were ordered to be commissioned; but their names do not appear, and it is doubtful if any such were appointed.

Much disappointment was manifested, by both officers and privateers who had been appointed or enlisted for the contemplated expedition, in being dropped. Several of these petitioned the General Assembly to be remunerated for expenses incurred, and their claims were paid. The Assembly also passed a vote that the Commissioned Officers of the expedition "be invited by the Deputy-governor and the Speaker, to dine with the Court." In order that all connected with the expedition might also be properly entertained, this body generously directed, in accordance with the custom of the time, "that the other officers and soldiers be treated by the Sheriff with liquor, to the value of fifteen pounds, at the charge of the Colony."

The *Tartar* war-sloop was not destined long to remain inactive. Information being brought to Newport that there was a French vessel on the coast, engaged in illicit trade, the *Tartar* was ordered out in search of her. Captain Cranston was successful in his cruise; he captured the Schooner; brought her into port, where she was condemned by the Judge of Vice-admiralty; and the proceeds of her sale distributed among her captors.

An application upon the Colony for aid to the King now came from another quarter, although she had already been making preparations for such a contingency. The British had, in the year 1741, made an attack upon Carthagena, where they were repulsed, in addition to which they met with great loss of men, by the yellow fever. With a view to recover their fortunes, another attempt was determined on by General Wentworth, the Commander of the land forces. This officer, on the twelfth of August, 1741, addressed a letter, from his Camp, on the island of Cuba, to Governor Ward, of Rhode Island, which he sent to Captain William Hopkins, requesting the Colony to raise troops for his aid, "either to fill the vacancies in the old Corps "and in the Marines, or to form another Battalion." But General Wentworth was not to be satisfied with having further levies of troops; he was out of money and had no means of supplying his recruiting officers with means, and therefore requested Governor Ward to draw upon the Paymaster-general, in England, for the expenses incurred. He further desired Governor Ward to "take proper measures for transporting the "troops to Cuba," to support which charge, he flattered himself, "the respective Provinces will "make a provision." This, was indeed, a modest demand; nevertheless, Governor Ward, by order of the General Assembly, issued his Proclamation, offering a premium or bounty of five pounds, of the old tenor, and a watch-coat, to every soldier who should enlist, in addition to the Royal bounty of two pounds.

Peter Bours, George Goulding, John Cranstons, and Joseph Whipple were the Committee to procure men, to man the Colony's Sloop, and all the necessaries for the voyage. The Sloop was also directed to take a cruise of three months, after she had landed the transports; but this order was subsequently countermanded.

The expedition which had been organized by General Wentworth was intended to operate against Santiago; but it seems that, after a reconnaissance had been made of the works, the plan was abandoned, to the disgrace of the British commanders. Rhode Island, for the aid she furnished for this Spanish expedition, subjected herself to an expense of five thousand, eight hundred, and sixty-eight pounds, five shillings, and eight pence, which sum was reported by the Committee to which all the accounts connected with the expedition were exhibited.

It would appear that the Colony had Privateers out at this time; although no mention is made of them, in the records, beyond the authority given the Governor to commission them. In one instance, the Assembly voted to pay the cost of the board of Francis Lorenzo, Captain of a Spanish Privateer, "which had been

"brought in by Captain Norton, in his Privateer Sloop, the *Revenge*." At another time, the passage home of Spanish officers, who had been brought into the Colony, were ordered to be paid; and, again, we find, in 1744, the number of Spanish prisoners brought in by our Privateers were so numerous that an Act was passed to regulate their maintenance, allowing each one fifteen shillings a week, and making further provision for their return.

The attention of the Colony was now turned in another direction, for the purpose of operating against the French possessions at the North, as will appear from the following letter from Governor Shirley of Massachusetts:

"BOSTON, Jan 29, 1744-45.

"SIR:—Though I doubt not that the interest "of the common cause of New England will "sufficiently animate your Government to exert "themselves vigorously in the intended expedition against Louisburg, yet I beg leave to add "that the exposed situation of your Colony, by "sea, and the resentment of the enemy against "it, on account of the activity of your Privateers, make it probable that you may have a "sudden visit from the French, this summer, if "Cape Breton is not reduced.

"The gentlemen who will deliver you this, "will apprise your Honor how essential it is, towards our proceeding in this important affair, "that we should have a naval force before Louisburg, by the middle of March, at the farthest, "to cut off the enemy's provision-vessels, and "intercept Mr. Davison, who is expected with "recruits for that garrison; which latter event "must be so killing a blow to the people of the "town and garrison, that it would not fail of "being decisive; and they will also let you know "what this Government has done, and what applications I have made towards providing such "a naval force. I hope, therefore, you will not "fail to exert yourself in this respect. They "will further inform you how necessary it is "that we should have a proper train of artillery, "which should be from pieces of eighteen "pound shot, to twenty-four pound, of which "sort we have not sufficient in our castle; and "I therefore hope you will contribute your quota "in this respect.

"I doubt not an united force, vigorously exerted on this occasion, in conjunction with "His Majesty's other neighboring Colonies, will "meet with success, which I hope will be the "event of this expedition, and am, Sir,

"Yours Honor's most obedient servant,

"W. SHIRLEY.

"To the Hon. Governor GREENE."

XII.

SEAMEN SENT TO COMMODORE WARREN. FALL OF LOUISBURG. LETTER FROM CAPTAIN FONES OF THE "TARTAR" SLOOP. RHODE ISLAND'S PART IN THE CAMPAIGN. COMMODORE WARREN CALLS ON RHODE ISLAND FOR MORE TROOPS AND PROVISIONS. URGENT DEMANDS BY GOVERNOR SHIRLEY ON RHODE ISLAND.

The General Assembly of Rhode Island promptly complied with the call from Governor Shirley, by passing an Act, at their June Session, for the raising of seamen and marines, to serve on board the ship *Vigilant*, which "Peter Warren, Esq., Commodore of His Majesty's fleet "at Cape Breton, has taken from the French." Two hundred able-bodied seamen were ordered to be enlisted, to whom a bounty of seventeen pounds, old tenor, was to be paid by the Colony. For the more effectual securing of these men, it was ordered that no ferryman, boatman, or other person, should transport any seamen from off Rhode Island or Conanicut, during a certain period, under penalty of twenty pounds, unless it was to land the latter at Newport. The soldiers stationed at Fort George were directed to stop all sloops, boats, and canoes, from going out of the harbor of Newport, without a special license from the General Assembly. Not content with these efforts to secure men, the Governor issued his Warrant to impress forty seamen at once. One half the men required were obtained within six days and sent to Boston, there to embark for Cape Breton.

The prompt measures of Governor Wanton gave great satisfaction; and Governor Shirley issued a Proclamation, placing these levies on the same footing with other seamen in the fleet.

A Brigantine, called the *Success*, belonging to Ellery and Tillinghast, was chartered to transport the three Companies of soldiers, which had been ordered to be raised in March. The seaman required were doubtless raised; as forty pounds were voted to Messrs. Ezekiel Hubbard and Seth Harvey, each, "for their extraordinary trouble in enlisting seaman for manning "the *Vigilant*." Massachusetts raised four hundred and Connecticut two hundred men to reinforce the troops at Cape Breton.

At this time, there seems to have been many French and Spanish prisoners of war, in Newport and Providence, as Commissioners in each place were appointed, and provision made for their keeping. In what way these men were taken it does not appear; but, doubtless, by the Privateers from the towns referred to. The expenses incurred by the Colony, with copies of all the Acts, Votes, and Proceedings relative to

the expedition to Cape Breton, were ordered to be made, and sent to the Agent of the Colony, in London.

On the sixteenth of June, after a siege of forty-nine days, the fortress of Louisburg capitulated. At this time, eleven ships-of-war had assembled and arrangements were in progress for storming the place. The besiegers had suffered so much from colds and dysentery, that, at one time, fifteen hundred men were unable to do duty. The news of the fall of Louisburg reached Boston on the third of July, and caused the greatest rejoicing, for the whole of the land-forces were from the New England Colonies, and consisted of undisciplined mechanics, farmers, and fishermen.

The last troops raised in Rhode Island did not, of course, reach Louisburg, until after it had fallen; nevertheless, they were required to remain there during the Winter that followed. During the progress of the siege of Louisburg, the Rhode Island Sloop *Tartar*, Captain Fones, was sent out to intercept a large party of French and Indians, who were on their way, from Annapolis Royal, to the relief of that fortress, in consequence of which they were deprived of the honor of being present when it capitulated. The following letter, from Captain Fones, written before he knew of the fall of Louisburg, explains the reason of his absence, and relates the particulars of an exploit which is not mentioned in the official Reports:

"SLOOP *Tartar*, IN THE GUT OF CANSO, }
"26th June, 1745.

"HONORED SIR: I suppose you have, ere now, "received my letter of the 7th instant, "wherein I informed Your Honor of being "stopped by a Council of War, of sea and land "officers, in concert. The reason of my being "sent to the Bay of Vert was to intercept a number of French and Indians that were to join "the forces at Cape Breton. On the 15th instant, the *Tartar*, with two other Sloops, under "my command, met the enemy, as near as we "could guess, twelve hundred in number, in "Femme Goose Bay. Their fleet consisted of "two Sloops, two Schooners, one Shalloway, "and about fifty Indian Canoes; but we, with "our consorts, gave them so warm a reception, "killing some and wounding others, that we "caused them to retire with precipitancy up "creeks, out of our reach, and have been "cruising for them, ever since, so that we hope "we have stopped them from going to Cape "Breton.

"I have, this day, dispatched one of the Sloops "to Cape Breton, and hope, in a few days, to "hear that the place is taken. I am mighty "uneasy that I have no news from your Honor,

"and would beg you to write me the first opportunity. Through God's goodness, I have lost none of my people.

"I am, honored Sir, &c., &c.,

"DANIEL FONES.

"GOVERNOR WANTON."

For the brilliant exploit of the taking of Louisburg, an affair wholly projected in New England and effected by her troops, General Pepperell was created a Baronet, the first instance in which this honor was conferred upon an American Colonist. Warren, who commanded the fleet, was promoted to the rank of Admiral; and Governor Shirley, who originated and planned the expedition, was made a Colonel.

Rhode Island was awarded less credit for the part she took in the seizure and taking of Louisburg, than she deserved. In the first place, the Volunteers raised by Colonel Malbone, being paid by Massachusetts, were reckoned as her troops; while the second levy of three Companies, being incorporated in a Connecticut Regiment, under General Wolcott, were equally lost sight of, in the official reports.

Of the French prisoners taken on the occasion, seven hundred were sent to Boston, while two thousand more remained on board the fleet, at Louisburg, awaiting an opportunity to be sent back to France. But it was necessary to make strong efforts to hold the place, and to take precautions to prevent its recapture by the French, who, it was believed, would not let so important a fortress remain quietly in the hands of the English. A garrison of four thousand men, with a fleet of ten large and many smaller vessels-of-war, were, therefore, required to garrison and defend it; and, in accordance with this determination, Commodore Warren addressed the following letter to Governor Wanton.

"SUPERBE, IN LOUISBURG HARBOR, }
24th June, 1745. }

"SIR:—I now have the pleasure to acquaint you that we are in quiet possession of the town and garrison of Louisburg, and the territories thereunto belonging; and that it is my duty to apply to you and the different Governors on the Continent, for such provisions and men as I may want; and I never had more occasion for your assistance than at present, in order to keep possession of a garrison that is a key to all the French settlements upon the Continent, and of which possession every Colony will feel the good effects. I therefore hope you will send, with all speed, your quota of men, armed and victualled for at least seven or eight months, to remain here, for the support of this garrison, till His Majesty's pleasure is known; till which time I shall continue here."

* * * * *

"I make this application to all your neighboring Governors, and have begged them to recommend the consideration of my request to their different Legislatures, who can't, in any manner, give greater proofs of their loyalty to His Majesty, their love of their country, and their care of posterity, than by assisting me with the means of keeping possession, till His Majesty can make provisions for it, of a Garrison and a Colony, that, in its consequence, will be the means of extirpating so dangerous an enemy as the French are, out of the Continent," * * "I am, Sir, your most obedient servant,

P. WARREN.

"TO THE GOVERNOR OF RHODE ISLAND."

Under the same date, Governor Shirley wrote to Governor Wanton, stating that the siege of Louisburg had quite exhausted the magazines of powder; and, as it was uncertain what further demand there might be for it, he desired that an embargo might be laid upon all the powder lying in the stores and magazines, so as to secure it, at the market price, in case it should be wanted. On the third of July he again wrote to Governor Wanton, at greater length, on the surrender of Louisburg, urging him, in the strongest terms, to send men, ammunition, and provisions for the garrisoning and provisioning the place, till His Majesty shall order troops from Great Britain. He apprehends this to be the most critical juncture for securing it from the attempts of the enemy to recover it; as it cannot be doubted that the French King will soon send a strong force of ships and troops to reduce it." "Massachusetts," he adds, "is already drained of men, provisions and ammunition." Governor Shirley, therefore, hopes that the General Assembly of Rhode Island will, in duty to His Majesty and in regard to the common interests of North America, make provision, at once, to supply the soldiers, ammunition, and provisions required. He farther suggests that provisions be sent to the West Indies, as is customary, until the wants of the forces at Louisburg are supplied

[TO BE CONTINUED]

IV.—THE NORTH EASTERN BOUNDARY OF NEW JERSEY.

[The subject of the boundaries between New Jersey and New York is one which is well known to all who are at all acquainted with the histories of those States. It has occupied the attention of the world and produced angry discussions during nearly two centuries; and it is still one of the questions which neither time, nor discussion, nor negotiation has been able to determine.

In 1865, one of the many actions in law which the dispute has produced was brought before the District Court of the United States, in New York; and Judge Shipman decided the case in favor of the claim of New Jersey. The Attorney-general of New York, by whom the suit was conducted for that State, soon after, called the attention of the New York Histor-

ical Society to the subject, in an elaborate historical paper which he had prepared for that purpose; and the great principles which were involved in the discussion and the manner in which the Attorney-general presented those principles arrested the attention of thinking men, both within and without the Society.

Our attention having been called to it, we solicited a copy of the paper referred to, for the purpose of publishing it; and the Attorney-general having kindly complied with our request, we printed it in *The Gazette*, a weekly newspaper published in Yonkers, N. Y., and edited by us, on the first of July, 1865. As we expected, this publication of the Attorney-general's paper was widely welcomed; and Hon. J. Romeyn Brodhead, the distinguished historian of New York and one of the Secretaries of the Historical Society, supplemented it with copies of his remarks before that body, after the reading of the paper; and he also furnished copies of a correspondence, on the same subject, with William A. Whitehead, Esq., of Newark, also widely and favorably known as a student and writer of American history and Secretary of the New Jersey Historical Society. This ample presentation of the facts on which New York had relied, called forth as elaborate a reply, in behalf of New Jersey, from Mr. Whitehead, whose honorable position as an officer of the New Jersey Historical Society was calculated to give unusual weight to his statements; and, at the urgent request of the learned Attorney-general and of several other gentlemen, although contrary to our own inclination, we were induced to follow Mr. Whitehead, in a lengthy review of the main question, without paying much respect to what either of those who had preceded us, in the discussion, had already said on the subject—indeed, we inclined to the belief that the root of the matter had not then been exposed by either of them.

In the course of our argument, we conceived it to be our duty to call the attention of our readers to certain irregularities, of which Mr. Whitehead, as a professed writer of the history of the subject in dispute, was evidently guilty; and we denounced those irregularities and exposed what seemed to be the purpose of their inventor and publisher, as we shall continue to denounce whatever, like the irregularities of which we write, shall be found, at any time, to be secret and unauthorized mutilations of or additions to records and documents which shall be offered as evidence, to determine a question which shall, at that moment, be under consideration and undetermined. Mr. Whitehead followed, in a second argument, which is noticeable, chiefly, because of its historical looseness and extreme bitterness of tone; and the discussion having been thus turned into a new channel, we conceived it to be our duty, no less to ourself than to the truth of history, to follow that gentleman, with an examination of his argument and authorities, to which he has not yet responded, except in that private and bitter malignity which only such as he, when most severely wounded, will ever employ. The Attorney-general closed the discussion, if we except a *Post-script* which a more recent operation of Mr. Whitehead has called from our own pen.

This discussion—angry and personal as it was—was closely watched by the leading minds, both of New York and New Jersey; distinguished jurists did not hesitate to employ the material collected, as well as the arguments of the disputants, in framing their judgment, on appeal; and an equally distinguished historian, while noticing the Inter-State relations, has included the village newspaper which contained the several articles, among the standard authorities to be consulted, on the matters referred to, by those who shall hereafter desire to examine them. Besides, the files of that newspaper are not common; and those who have desired to refer to them, even in the vicinity of the village where they originally appeared, have found them only with considerable difficulty.

We have determined, therefore, to re-produce, in the HISTORICAL MAGAZINE, the entire series of papers which this discussion produced; and, in doing so, we shall present them in exactly the form which their several authors left them, at that time. We commend them to the careful attention of our readers, especially to that of such of our readers as are Jersey-men or residents of New Jersey.—H. B. D.]

I.

GENERAL COCHRANE'S PAPER.

READ BEFORE THE NEW YORK HISTORICAL SOCIETY, AT ITS JUNE MEETING, 1865.

MR. PRESIDENT:

A litigation, conducted by the State of New

Jersey, in the Courts of the United States, directed to the water-boundary between her and the State of New York, has been, to me, in my official capacity, the occasion of extended research among the records of the earliest colonial periods. The results of these labors, I am inclined to believe, will not be destitute of interest to the general mind, and, although produced by proofs within the knowledge of the historian, yet, so little understood are they, that I venture to communicate them to the Historical Society of the State of New York.

The efforts of New Jersey to neutralize the commercial advantages of New York and to promote her own aggrandizement are notorious. Few, however, are cognizant of their original recklessness and the persistence of their subsequent prosecution.

It will be remembered that the Patent of Charles II. to James, Duke of York, of the twenty-ninth of June, 1674, conveyed to him the proprietary and jurisdictional right to the whole country from Connecticut-river to the Capes of the Delaware, etc.

Exactly one month thereafter, James, Duke of York, enfeoffed Lord Berkeley and Sir George Carteret of all that land thereafter to be called Nova Cæsarea, or New Jersey, "adjacent to New England, and lying and being westward of Long Island, and bounded on the East part by the Main Sea and part by Hudson's River from a point in forty-one degrees latitude." The two primary Patents of the twelfth of March, 1664, and twenty-fourth of June, 1664, between the same parties, expressed these same boundaries.

It is here then, to be remarked, that the Patented New Jersey was thus originally limited, on the eastern border, by the western shore of Hudson's-river and by the Main Sea. No vicissitude of conflicting events nor fluctuation of royal caprice ever disturbed these bounds. They withstood both the attritions of individual exasperation and the casualties of national change, till an act of our own deliberation, in 1833, prepared a Treaty, which, by its subsequent ratification, receded them, easterly, from the westerly margin, to the middle, of the Hudson. In the interval, however, of a century and a half, the avaricious desires of New Jersey had not lain torpid. Carved, surreptitiously, from the side of New York, under the opiates of one, Captain John Scott, artfully discharged upon the drowsed senses of James, Duke of York, from the hour of her separation to the present, she has formed her national life to the rugged career of incessant competition with her parent State.

No one, however, familiar with the history of the past, will entertain as singular, this conduct of New Jersey. She has had successful imitators in Connecticut, Massachusetts, and New Hampshire; and, if something has been shorn from

the lusty proportions of the primitive New York, the conduct of these "Pelican daughters" has neither abated her strength nor irritated her sedate consciousness of superior power.

The earliest recorded evidence that I have discovered, disposes the initiation of New Jersey's enterprising encroachments, systematized under the Patent of 1674, at the year 1681.

The Proprietors of East New Jersey had projected Perth Amboy, then the capital of the Province, to be a Port of Entry. Efforts, though of adverse event, had previously directed merchandise to that place. The Port of New York still, however, maintained its exclusive control of trade and repressed all attempts to rival and impair its commerce. It was then, on the twenty-eighth of March, 1681, that the Lady Elizabeth Carteret, survivor of Sir George, one of the original Patentees, wrote to Secretary Bollen to present a claim to Staten-island; and, thereupon, in the language of contemporaneous history, "the people of East New Jersey pretended a right to the River, so far as the Province extends, which is eighteen miles up the River, to the northward of this Place." (*Manhattans.*)

Quakers, in considerable numbers, had settled in East New Jersey. Their desires, habitually chastened and restrained, seem, now, to have been inflamed by the prospect of goodly gain; and the annals of the times declare them to have been "especially vigorous with their pretensions to Staten-island."

We are here necessarily reminded that Staten-island, from the period of the cession of the entirety of New Netherland, by the Dutch, to Charles II., by the Treaty solemnized at Westminster, on the nineteenth of February, 1674, had been possessed and occupied under the authority of the Crown. The Patent of Charles to his brother James, Duke of York, had transferred to him, on the twenty-ninth of June following, this right of possession and occupation, included in the general Grant; and the Duke, even after his Patent to Berkeley and Carteret, of New Jersey, continued to possess Staten-island, as part of his Province of New York, and that undisputed, until the interposed claim of the Lady Elizabeth Carteret, in 1681.

It will be readily understood, that, as long as the water-boundary between New York and New Jersey, described by the Patent on the western shore of the Hudson's-river and the Main Sea, should be conceded to embrace Staten-island within the limits of New York, the waters which separated that island from New Jersey would be authentically ascertained the waters of Hudson's-river. But, such a concession would have fatally terminated the pretensions of Perth Amboy to the capacity of a Port of Entry, by removing her virtually from the sea. Therefore the claims upon the Island and to the waters which surround

it being concurrently necessary for the purposes of New Jersey, for the first time since the discovery, in 1609, were they formally announced, in 1681, as the basis of that controversy with New York, which, with various events, has survived even to our day. The reflection is here apposite, that the right of property in, and of jurisdiction over, Staten-island, being essential to the maintenance, by New Jersey, of her right to the waters which flow about the island, through the Kills, to the sea; by the authority of that right, also, would the waters of Hudson's-river, in their progress to the sea, be restrained to the single passage at the Narrows. But the demonstration that the waters of the Hudson, in their seaward current, debouch through both the Narrows and the Kills, would not only have exposed the futility of New Jersey's pretensions to Staten-island, but have effectually disposed of her commercial rivalry with New York.

Unquestionably, the proximity of the times which witnessed the Lady Elizabeth's preposterous claim, to these earlier days, the history of which abounds with its triumphant refutation, accounts for the dormant interval of more than a century, before its resuscitation, in 1806. Then recommenced, under the sanction of legislative authority, the active prosecution by New Jersey, of her claims to the waters of the Hudson and to Staten-island. New York resisted. The Courts were resorted to; the acts of chicanery prevailed; and the Courts were abandoned. Commissions were created. The Commissioners convened and failed. At length, in 1833, a final effort proceeded from New York. It was reciprocated by New Jersey; and an agreement was the result, which, under the action of subsequent Legislative ratification, ultimately, in 1834, assumed the solemnity of a Treaty. Its first Article comprehending all of its provisions necessary to the purpose of this paper, I content myself with quoting it, alone:

"ARTICLE FIRST.—The boundary line between "the two States of New York and New Jersey, "from a point, in the middle of Hudson River, "opposite the point on the West shore thereof, "in the forty-first degree of North Latitude, as "heretofore ascertained and marked, to the "main sea, shall be the middle of the said river, "of the bay of New York, of the waters between "Staten-island and New Jersey, and of Raritan-bay, to the main sea, except as hereinafter "otherwise particularly mentioned."

It is not to be suspected that either B. F. Butler, or Peter Augustus Jay, or Henry Seymour could, on the part of New York, which, as a party to the agreement, they represented, have trafficked the interests of the State, or have compromised them, by relinquishing to New Jersey a moiety of the unquestioned rights of New York.

Evidently, their impression that the Hudson communicated with the ocean only through its single mouth at the Narrows, founded such serious doubts of the tenability of New York's right to the entire waters of the Kills, outward to the ocean, as induced the relinquishment of a portion of them, in consideration of the secure enjoyment of the remainder and of Staten-island and other smaller islands with them. Recourse to the arguments submitted on this subject, on behalf of this State, and recorded at various times, within the present century, amply confirms this supposition. In these, it is unequivocally admitted that the water-boundary between the two States pursues its southerly course along the western shore of the Hudson, across the Kills to the easterly shore of Staten-island, and, thence, directly over the intervening waters, to Sandy-hook. Nevertheless, the unblenched truth remains, that the Treaty which parted with whatever portion of these waters, inconsiderately sacrificed some of the best interests of the State.

This ill-advised compromise has also produced its legitimate fruits. It will have been observed that the line which distinguishes the boundary of the coincident States proceeds through the centre of the waters of the Hudson, of the Bay of New York, of the waters between Staten-island and New Jersey, and of Raritan-bay, to the main sea. Although it admits of no reasonable dispute, that the main sea is continuous with a line drawn from Prince's-bay light-house, on Staten-island, to the mouth of Matteawancreek, in New Jersey, and restrains, at that point, the disintegrating force of the Treaty, some miles to the westward of Sandy-hook, yet, the State of New Jersey, contending that the main sea flows only without Sandy-hook, asserts, by an extension thereto of the central dividing boundary line, her right to the southerly one-half of the "Lower-bay" of New York, inclusive of a substantive section of the ship-channel to the Harbor of New York.

The determination of this claim of right has already received juridicial judgment; and will, doubtless, require the ultimate decision of the Supreme Court of the United States. Should it be repressed, as there is no good reason to doubt that it will be, an important enquiry would ensue into the rights of New York, in the "Lower-bay," from the mouth of Matteawancreek to Sandy-hook. Having originally been within the jurisdiction of James, Duke of York, if never conveyed by him, as part of New Jersey, to Carteret and Berkeley, evidently it would still enure to New York. Besides, therefore, the service rendered to geographical verity by a collocation of the authorities which attribute the waters which surround Staten-island, exclusively to Hudson's-river, the establishment of the fact

is essential to the validity of the tenure by which New York shall, in the future, retain possession of her ship-channel.

Through this prefatory narrative, therefore, have I, at length, attained the subject to which your attention is invited, but which will, perhaps, be the better adjusted to the historical evidence hereafter adduced, if submitted in the form of a proposition. Accordingly, I propound that THE WATERS BETWEEN STATEN-ISLAND AND NEW JERSEY—THE KILL VAN COLL, THE SOUND, AND RARITAN-BAY, OR BY WHATEVER OTHER BAPTISMAL NAMES THEY OR THEIR PARTS MAY HAVE BEEN, OR ARE NOW, DESIGNATED—TOGETHER WITH ALL THE WATERS WHICH LAKE STATEN-ISLAND SHORES, WERE, FROM THE PERIOD OF THEIR DISCOVERY, KNOWN AND ACCEPTED, AND SHOULD PROPERLY NOW BE CONSIDERED, THE WATERS OF HUDSON'S-RIVER.

When Hudson, carefully consulting his soundings, "went in past Sandy Hook" on the evening of the third of September, 1609, he moored the *Half Moon* in "The Bay." A boat's crew proceeding upward to the North, on a subsequent day, (*September 6th*), we are told that they passed through the Narrows, into a commodious harbor, "with very good riding for Ships." In their further progress, northward, they discovered the Kills, in "a narrow river to the Westward between two llands." The exploration of this river disclosed to them "an open Sea," now called Newark-bay. When the *Half Moon* first left her anchorage in "The Bay," (*September 11*), Hudson cautiously passed through the Narrows, "went into the River," and again found moorage, near the mouth of the Kills, in "a very good Harbour for all windes."

This simple statement of Hudson's discovery, purges, effectually, the clouded medium of subsequently distorted narrative; and our neutral vision has direct access to "the bay," the "harbor," the "western river," and "the open sea," unperturbed by unnatural lineaments by the false names imposed by accumulating ignorance or design; and representing them as they lay, and as, unchanged, they lie, in physical aspect—the only distinguishable "bay," below; the "narrow straits," above; the estuary, roadstead, or "harbor," within; "the river," conducting the upper waters to the West; and, beyond that, the "open sea," in the distance. If now we apply to this fluvial system, the nomenclature adapted to it by the proper names since borne by the river which originated it and the ports on its banks, "the bay" becomes the "Great Bay of the North River;" "the Harbour," the Harbor or Port of New York; and "the narrow river to the westward" and "the Narrows," at the South, the mouths through which the waters of the Hudson discharge themselves, through "the Great Bay," into the main sea.

Here, then, is probably the most fitting place for the remark, that the confirmation of this hypothesis will be the explosion of the injurious theory upon which the Treaty of 1834 ceded to New Jersey one-half of the rights of New York to the waters of the Hudson and of those which separate Staten-island from New Jersey, together with the lands under them, upon the very common error of mistaking the harbor of New York for the bay of New York, and of imposing the name of Raritan-bay on a portion of the waters of "the Great-bay of the North river."

I proceed now to the proofs that apply to the hypothesis,

At page 336 of the first volume of Brodhead's *Colonial Documents*, and at pages 19 and 22 of the fourth volume of O'Callaghan's *Documentary History of New York*, will be found a fragment, entitled, *Information relative to taking up of land in New Netherland. By Cornelis van Tienhoven, Secretary of the Province. Translated from the Dutch. 1650.* I extract from it, the following passage: "In the Bay of the North River, about two miles from Sandy Hook, lies an inlet or small bay. On the South shore of said bay, called Neyswesinck, there are right good maize lands."

Says Brodhead, (*History of New York*, i. 525): "The patroon" [Melyss] "now went" [August 5, 1650] "to his Colonie at Staten Island, for 'the greater security' of which, Van Dincklagen had just before purchased from the Raritans, for Van de Capellan, the lands 'at the south side, in the Bay of the North River.'"

Staten-island having, in 1630, and while New Netherland was held by the Dutch, been ceded by the Indian owners to Michael Pauw, and by him reduced to possession, Governor Lovelace, after the English conquest, and on the thirteenth of April, 1670, purchased the same for the Duke of York, from the Sachems and proprietors of the island (*Book of Patents,—Office of the Secretary of State,—iv, 62.*) The Patent is from Aquapo, Warnes, Minqua-Sachemack, and others, "true Sachems," &c., "proprietors of Staten island," and grants "all that Island lying & being in Hudsons Ryver, Comonly called Staten Island, & by the Indians Aquehonga Manacknong, having on y^e South y^e Bay & Sandy point; on y^e North y^e Ryver & y^e City of New-York on Manhatans Island; on y^e East Long Island, & on y^e West y^e Main land of After Coll, or New Jersey."*

At page 661 of Leaming & Spicer's *Collection*, will be found the Monmouth Patent, issued by Governor Nicholls, on the eighth of April, 1665,

to Goulding, Spicer, Gibbons and others. It was extinguished by the Dutch conquest of 1673; but, was subsequently, on the ninth of November, 1674, revived by Governor Andros. In both 1665 and 1674, the boundary of the Patent ran "from Sandy Hook, along the Bay, to land across the mouth of Raritan River," etc.

A description of New Netherland, translated from *De Nieuwe en Onbekende Weereld*, etc., door Arnoldas Montanus, (Amsterdam, 1671,) appears on pages 73 to 76 of the fourth volume of O'Callaghan's *Documentary History of New York*, wherein this passage occurs: "Adriaen Blok and Godyn soon discovered here divers coasts, islands, harbours and rivers. Among the rivers is the Manhattans or Great River, by far the most important, which disembogues into the Ocean by two wide mouths, washing the mighty island of Matouwacs. The south entrance was called Port May or Godyn's Bay: midway lies Staten Island, and a little further up, the Manhattans, so called from the people which inhabit the mainland on the east side of the river."

Governor Dongan, when writing to the Lord President of the Council, on the twenty-second of February, 1686, says, (Whitehead's *East Jersey under Proprietary Governments*, i. 218,) "We in this Government, look upon that Bay that runs into the sea at Sandy Hook, to be Hudson River."

The Proprietors of East New Jersey having petitioned the King to make Perth Amboy a Port of Entry, by an Order in Council, dated the twenty-fifth of October, 1697, the same was referred to the Board of Trade, for their opinion thereon. Subsequently, and on the twenty-fifth of November of that same year, the opinion of the Board of Trade, having been laid before the King in Council, his Majesty approved the same, and thereupon was pleased to dismiss the Petition of the Proprietors of East New Jersey. Among the reasons assigned by the Board of Trade, adverse to the prayer of the petitioners, and which reasons were approved by the King in Council, at the Court at Kensington, are these, viz.: "That at the separation of the Jersey from the Province of New Yorke, the city of New York was the Common port for both. That it is in no place that we know of, either in England or elsewhere, usuall, to have two ports independent on each other in one and the same River or within the same capes or outlet into the sea: such a practice being manifestly liable to great inconveniences. That Perth Amboy lies on one side of the mouth of the same river which runs by the city of New York (that river being divided by an Isld called Staten Island,) and is within the same capes." (*New York Colonial Manuscripts*, xli., 135.)

*This Deed, carefully printed from the original manuscript, in the Library of the New York Historical Society, may be found in THE HISTORICAL MAGAZINE for December, 1866. EDITOR HISTORICAL MAGAZINE.

On the seventh day of December, 1700, Lord Bellomont, then Governor of New York, ordered Colonel Romer "to measure the distance across "the Narrows, and to sound the depth of water "there, as well as in a second arm of Hudson's "River called the Coll, between Staten Island and "East Jersey, and to ascertain whether any ships "and bombketches could come around by "Amboy and consequently attack the city of "N. York.

"Item, to select a couple of places both at "the Narrows and the Coll, where suitable fortifications could be erected and the enemy "be thereby forestalled in his undertakings." On the thirteenth day of January, 1701, Colonel Romer, after reporting the accomplishment of his Instructions respecting the Narrows, proceeds; "In regard to the other branch of the "Hudsons river called the Coll, between Staten "Island and East Jersey, I have sounded it from "Amboy to Tampusons point and Elizabeth "town, and find from Amboy to the above-named points, 8, 7, 6, 5, and 4 fathoms of "water," etc., etc., (*Colonial Documents*, iv., 836, 837.)

Impregnable as is the uniform tenor of record evidence, it is confirmed by the testimony of ancient maps.

The earliest map of New Netherland, which has been preserved to our times, is the celebrated *Carte Figurative* which was annexed to the Memorial presented to the States General, on the eighteenth of August, 1616, by the "Bewindhebbers van Nieuw Nederlandt, praying for a special Octroy," etc. It was discovered at the Hague, in 1841, by the energetic and capable historian of our State, Hon. J. Romeyn Brodhead, and a fac-simile thereof is to be found in the *Colonial Documents of New York*, i, 13. However imperfect the delineations, this map represents unmistakably the River Mauritius (now Hudson) as it washes the margin of Manhates-island, and, enlarging thence its course to the ocean, swells into an expansive bay, which encloses Staten-island, and ultimately passes at "Sand-punt," into the main sea.

Nicholas Visscher's map of *New Belgium, New England, and also a part of Virginia*, first published in 1656, and periodically issued, from time to time, till 1682, may be seen at the State Hall, in Albany. On this map, no name is given to any other river than the Veische (Fresh or Connecticut) and Maquas (Mohawk) rivers. The course of other rivers, however, (the Hudson, Raritan, &c.) is described. The waters South of Staten-island are named thereon "Port May of "Godyn's Bay." This having been the Dutch method of expressing an alias, it is construable as Port May or Godyn's-bay, in conjunctive honor of May, one of the earliest Dutch navi-

gators, and of Godyn, one of the most ancient of the New Netherland patroons.

Whitehead, in his *East Jersey under Proprietary Governments*, prefixes to the title-page, of the volume (Edition of 1846) a copy of A. van der Donck's map of 1656. Neither the Hudson-river, nor the Kills, nor Newark, nor Raritan, nor New York-bays are nominally inscribed upon it. But the entire waters adjacent to Staten-island, on the southerly side, are denominated Port May or Godyn's-bay; and Sandy-hook rejoices in the appellation of Sant-punt or Godyn's-punt*.

In the same volume, coincident with page 88, Mr. Whitehead furnishes the copy of a map of the settled portion of New Jersey, projected and described in the year 1682. It confines the name of Raritan to the river now known as such; but represents none for the waters from its mouth to Sandy-hook. It is inscribed with this note: "The great Grant from Gov. Nichols extended from Sandy Point, up the Raritan, some distance, and twelve miles to the "Southward. 1665." As will be recollected, this Grant, herein before cited as "The Mouth Patent," bearing the date of 1665, was bounded "from Sandy-hook, along the Bay, to "and across the mouth of the Raritan River," &c. The map of 1682 thus singularly concurs with the Patent of 1665, in protecting "the "Bay" from the infectious waters of the Raritan.

On Cadwallader Colden's Map of the Hudson and Mohawk-rivers, in 1719, no name appears for the waters that surround Staten-island, though the Raritan-river is named.

Brodhead's *History of the State of New York* furnishes a prefatory map of New Netherland, according to the Charters granted by the States General, on the eleventh of October, 1614, and the third of June, 1621. I can refer to no higher or more reliable authority than the solemn judgment, deliberately expressed, of this distinguished author; nor can I more appropriately close this series of citations than with that imprinted with the recommendation and assurance of his superior caution and diligence. This Map inscribes the waters, at their length, which lave Staten-island, on the North-west, with the name of "the Kill van Kol;" those washing it on the South are denominated "Port May" and "Coenraet's-bay;" while Sandy-hook presents the names of "Colman's-point," "Godyn's-point," and "Sand-hoeck," in exemplification of the periodical nomenclature of the varying times.

* The Attorney-General was evidently unacquainted with the fact, noticed in another part of this discussion, that what he supposed to be "copy of A. van der Donck's map of 1656" was only a mutilated copy, which Mr. Whitehead had imposed upon his readers as a fair and accurate copy of the original.
—EDITOR HISTORICAL MAGAZINE.

From the *Calender of Land Papers*, at Albany, may be collected indisputable proof that the rights to, and the jurisdiction over, the waters by which Staten-island is surrounded, were ascribed to the Province of New York.

On volume xii., page 18, occurs the Petition of Adoniah Schuyler, in 1736, to the Colonial Council, praying a Patent for a Ferry from the nearest part of Staten-island (right across the meadows) to Elizabeth-Town-point, in East New Jersey; and on volume xiv., page 82, under date of the fifteenth of September, 1750, is entered the Petition of Jacob Corson, praying for a Patent for a Ferry between his land, on Staten-island, and the shore of Bergen, in East New Jersey.

Error has been charged to the Commissioners of the Treaty of 1834, in having mistaken the harbor of New York for the bay of New York. The designation of the waters of the Hudson, within the harbor, as the "Bay of New York," and the application of "Raritan-bay" to those beyond the Kills, are the inherent errors which the Treaty furnishes, as will now be shown, of this mistaken view of the Commissioners.

It has been, I think, satisfactorily proved that what is now, erroneously, though, popularly, termed the "Lower-bay," is the true "Bay of New York." Still, evidence may be multiplied till the truth becomes conspicuous, that the baptism of "the Bay" never was conferred on any other portion of the waters of the Hudson, till the habitual corruptions of the vulgar tongue enticed and betrayed an intelligent community into the injurious conversion of a roadstead or estuary of the sea, into the "Upper-bay" of New York.

When Michael Pauw, on the twenty-second of November, 1630, purchased "Ahasimus," now called "Horsimus," and "Arusick," they were described as "extending along the river *"Mauritius"* [*Hudson*] "and Island of Manhattan, on the East side; and the island of "Hoboken Hacking, on the North side; and "surrounded by marshes, sufficiently for district "boundaries." As his purchase, including the whole neighborhood of Paulus Hook, or Jersey City, was bounded, on the East, *by the river*, it is evident that, in 1630, no "Bay" had yet made a northerly progress to that point.

I have come now, at last, in the chronological procession of historical facts, to the consideration of the not inconsiderable part which the perverted sense entertained of the phrase, "Achter Cull," has enacted in this chapter of errors.

The word *Coll* is Dutch, and signifies a Bay. The knowledge of the name having been accessible to all participants in the usual fund of information, the common theme of every neigh-

borhood, at all times, it was inconsiderately applied to those waters most immediately visible, whose body did not derogate from the popular idea of the dignity of a Bay. We have seen that the port or harbor of New York was the victim of the delusion; and "Achter Cull," the early designation of Newark-bay, was readily and naturally rendered into the "After-bay" of the English, relatively to its position behind the upper Bay of New York. But the term "Achter," or *After*, was predicted only of localities in the interior and *behind those bordering the sea-coast*: and, while redressing the prevailing error which, generally, has referred the signification of the *Dutch Kills* to their relation to either Newark-bay or to an upper Bay of New York, if the uninterrupted current of authority attributes, as we have seen that it does, the "Kill van Cull," or the "River of the Bay," to that mouth of the Hudson which, through the Kills, discharges its waters into "The Great-bay," then will we have no difficulty in determining that the "Achter Cull" was named from its position "behind" the same "Great Bay."

Indeed, so important an object in the landscape of the early New Netherland was "The Bay," and so grateful to our adventurous ancestors were its geographical magnificence and commercial prominence, that, not only the inland waters of Newark-bay but, also, the Hackensack country, and even the wide spread New Jersey, were known only, with reference to it, as the land of "Achter Coll." In the *Journal of New Netherland within the years 1641, '42, '43, '44, '45 and '46* (*Colonial Documents*, i., 179-183) Hackingsack is spoken of as "Achter Coll;" and, at a meeting of the Honorable Council of War, holden in Fort Willem Hendrick, on the eighteenth of August, 1673 (*Colonial Documents*, ii., 576), Deputies are recorded to have come into Court, from the towns of Woodbridge, Schroasburg and Middletown, situate at *Achter Coll*; while Captain John Berry, William Sandfort, Samuel Edsall and Laurens Andriessen appearing before the Council, "requested such "privileges as were granted and accorded to all "other, the inhabitants of *Achter Coll*, lately "called New Jersey."

It will also be remembered that the Patent, of the thirteenth of April, 1670, from "the "true Sachems and proprietors of Staten-island," to Governor Lovelace, herein before quoted, bounds the island, on the West, "by the main "land of *Achter Coll*, or New Jersey." While thus not only Newark-bay, but Hackensack and all New Jersey, reposed in the shade of the Great-bay, how probable it is, that still another Bay, in the upper Hudson's-river, would have also been pronounced an Achter Coll? That it was not, is an authentic denial of the supposed existence of any such Bay.

I have now concluded the detail of the earlier historical evidence which directs, unequivocally, to the conclusion that the Hudson-river empties itself, through its two mouths, the Narrows and the Kills, into the Bay of New York, which flows past Sandy-hook into the sea. The introduction of two additional authorities, however, is requisite, not only to the symmetry but to the completeness of the proof.

The one is that of a name of diffused reputation, everywhere held in reverential observance. I mean the name of Judge Egbert Benson; and I cite from his *Memoir*, at page 93: "The Dutch called the Bay, bounded "on the South by the Ocean, on the East by "Long-island on, the North partly by the "mouth of the Hudson and partly by the shore "of New Jersey, and the West wholly by the "shore of New Jersey, and Staten Island considered as lying within it, '*The Great Bay of New "Nederland,*' and so-called, as van der Donck "expresses it, *propter Excellentiam*, eminently, '*the "Bay.*' Newark-bay, from its relative situation "to the *Great Bay*, they called '*Het achter Cul,*' "literally, the '*Back-bay*'—*Cul*, borrowed from "the French *Cul-de-sac*, and also in use, with "the Dutch, to signify a Bay. '*Achter Cul,*' "found in very early writings, in English, referring to it, corrupted to '*Arthur Cull's Bay*;' the "passage from it, into the *Great Bay*, they called '*Het Kill van het Cul,*' the Kill of the Cul, "finally come to be expressed by 'the Kills.'"

The other authority is that of the historiographer of our State. "'*Achter Cul,*' or '*Achter Kol,*' now called 'Newark-bay,' was so named by the Dutch because it was '*achter,*' "or behind, the *Great-bay of the North-river.* "The passage to the *Great-bay* was known as "the '*Kil van Cul,*' from which has been derived the present name of the '*Kills.*' The "English soon corrupted the phrase into '*Arthur Cull's bay.*'" (Brodhead's *History of New York*, i, 313, note.)

I may now, I trust, be permitted to think that the proposition submitted, that all the waters which surround Staten-island are the waters of the Hudson-river, stands substantiated by abundant proof. To be sure, they receive important contributions from Newark-bay and from the Rahway and Raritan-rivers of New Jersey. I do not contend that they drain the same basin through which the Hudson and its tributaries pass, nor, that their systems are the same. Still, have these rivers no more efficacy in the creation of Bays, by the discharge of their affluence into the Hudson and the Great-bay, at its mouth, than has been attributed to the York, or the Rappahannock, or the James-rivers, of cutting, at their mouths, from the Chesapeake-bay, subsidiary Bays of their own. The affair of Raritan-bay, therefore, to any portion of the

waters of the Great-bay of New York, I submit, should be expunged from the map at the biblioplists' and expelled from our physical geography, as a New Jersey heresy, crept into our orthodox waters, only to fret and divide them.

New York, not once only, but twice, and thrice, and again, has yielded of her cardinal rights and of her imperial proportions, to the construction and establishment of independent States, as, I think, she unwisely, in 1834, parted with a moiety of her right to her way of access to maritime wealth. The irrevocable past I would not seek to reclaim; but, surely, its lessons should engraft, in the future, vigilance, wisdom, and resolution.

JOHN COCHRANE.

New York, June, 1865.

V.—STONEWALL JACKSON AT FREDERICKSBURG.*

A LETTER FROM MAJOR-GENERAL J. A. EARLY,
C. S. A.

DRUMMONDVILLE, ONTARIO, CANADA, }
December 10, 1868. }

EDITORS SAVANNAH MORNING NEWS:

The communication to your paper, over the signature of "A VIRGINIAN," in reference to Pollard's statement that General Jackson "once recommended a night attack to be made by as-sailants stripped naked and armed with Bowie-knives," with your comments, I have met with in another journal; and I trust it will not be considered obtrusive, on my part, to make a statement of facts, coming within my knowledge, and going to show that there was no foundation either for Pollard's statement or that of your correspondent.

Of what little is left us, there is nothing which we should guard with more care than the sacred memory of our fallen heroes; and, in the case of General Jackson, it is more necessary to protect his reputation against the commentaries of injudicious friends, than from even the assaults of open enemies.

I served under General Jackson, from the beginning of the battle of Malvern Hill to his death; and I was personally present, as a Brigade or Division Commander, in every battle in which he participated, during that period, from the beginning to the close of the engagements, except the battle of Chancellorsville, proper, at which time I had a separate duty assigned me at Fredericksburg. I served with him longer than any other General Officer of his command; and I was a Division Commander

* From *The Lynchburg Daily News*, of December 22d, 1868, with corrections by the author.

in his Corps longer than any who survived the War. It will, therefore, be seen that it is not inappropriate that I should say something, when statements are ostentatiously put forth, which, however intended, are calculated to bring discredit on the great and pure soldier and Christian who gave his life to his country's defence.

I have not seen Mr. Pollard's article, in *Putnam's Monthly*; and all I know of it is what I see in the communication to your paper, and your own comments. I can undertake to assert, with the most perfect confidence, that General Jackson could not have made such a proposition as that mentioned by Pollard, because it was a moral impossibility for him to have done it. Gladiators, in ancient times, or the members of the prize-ring, in modern times, might strip for their brutal contests; but there is a sentiment among all civilized, Christian people, which would prevent a decent man from being as brave, when stripped naked, as when his nakedness is concealed by his usual covering. A naked sword is more terrible than a sheathed one; but there is no reason why a naked man should be more terrible than a well-clad one; and, certainly, at the battle of Fredericksburg, in the middle of December, a body of naked assailants would soon have become so paralyzed by the cold, that the enemy would have had no trouble in dealing with them.

General Jackson not only could not have made so foolish, so absurd, a proposition, at Fredericksburg, or anywhere else, for these reasons; but he could not have done it for the simple and conclusive reason that, at no time, were the Bowie-knives to be had. In the very beginning of the War, some men carried with them, into the service, Bowie-knives; but they were never very plenty, and the only military use I ever knew to be made of them, was in aiding to throw up a slight entrenchment, the day after the fight at Blackburn's-ford, on Bull-run. After that time, they were generally abandoned, or, if used at all, used only for chopping beef. I don't think that, in General Jackson's entire Corps, enough could have been found to arm one Company; and there were certainly none in the Ordnance Department.

Your correspondent states, as corroborative of Pollard's statement, that, at Fredericksburg, on the night of the thirteenth of December, 1862, after the enemy's repulse, a Council of War was held by the Confederate chiefs, at which General Jackson "suggested that the Artillery "of the First and Second Corps, his and Long-street's, should be collected upon the hills, "directly in front of the town, and a heavy fire "opened upon it; and that the men of his "Corps be stripped to the waist, to distinguish "them from the enemy, and, under cover of

"the artillery-fire, force their way into the "town and bayonet all who were not similarly "attired." This suggestion, your correspondent says, was adopted, but not carried out; and, he further says, "it was afterwards told by men "of the Second Corps, that they had received "orders to strip to their waist." Your comments on Pollard's statement are very just, though you seem to concede the correctness of that of your correspondent.

Not doubting the sincerity of your correspondent's belief, in what he states, yet, if he has no better authority for it than the uncontradicted statement of some Army Correspondent, or a camp rumor, I will say that he has very bad authority. There were numerous erroneous statements, which found their way into the newspapers and went uncontradicted, as there were many false reports in camp, which obtained credence, sometimes even from officers. General Lee never thought it consistent with his position to contradict any of the many erroneous statements put afloat during the War; and he discouraged everything of the kind, on the part of his officers. I knew his views on that subject, because, on one occasion, when I had corrected a misstatement of a Correspondent, in regard to some of my own operations, he gave me, privately, a gentle rebuke, which disclosed his own views and effectually prevented me from repeating the indiscretion. The reasons which govern military men, especially such military men as Generals Lee and Jackson, are very different from those which govern politicians in dealing with newspaper statements. Nothing, therefore, is to be inferred in favor of the truth of an anonymous statement in regard to the military operations in the Army of Northern Virginia, because it has gone uncontradicted.

The statement of your correspondent, if true, shows either that General Jackson proposed to commit a very great blunder, or that General Lee was guilty of an unpardonable negligence. I think there is as little truth in that statement as there is in the one made by Pollard; and I will state the following facts to show why I think so:

At the battle of Fredericksburg, I commanded a Division in General Jackson's Corps (the Second), and my Division met a part of the enemy, who had broken through our lines on the right, and drove him back into the plains beyond—a fact which will be well recollected by some of your readers, as a Georgia Brigade (Lawton's, afterwards Gordon's) led to the attack and greatly distinguished itself. Two of my Brigades, which had met the enemy and aided in his repulse, then occupied portions of the front line, for the rest of the day; and it was very apparent to us that, while the enemy's

attack had been repulsed, he had a very large force that had not been engaged, which still threatened another attack on our right. Late in the afternoon, General Jackson did determine to attack the enemy after the repulse of the attacks on our left; and I was ordered to lead, in the proposed attack, with my Infantry, preceded by Artillery, while General D. H. Hill followed me, with his Division, in support. Everything was got ready for the attack; and the movement was begun, but the enemy opened such a terrible fire from his artillery, which swept all the wide plain in our front, that General Jackson, who was out with the advance, countermanded his orders, because, as he says in his Report, "the first gun had hardly moved forward from the wood, a hundred yards, when the enemy's artillery reopened, and so completely swept our front as to satisfy me that the proposed movement should be abandoned." It was getting dark when this movement was abandoned; and it was well that it was given up, for the enemy had an immense force of Infantry, that had not been engaged, massed in the road which ran through the middle of the river-bottoms, behind the high, thick, and solid embankment of earth which served as an enclosure for the adjacent fields and furnished a breastwork co-extensive with our whole front, on this part of the line, and much stronger than the famous stone-wall, at the base of Marye's-hill. There was a similar embankment on the other side of the road, forming a second line; and the front one had been pierced, in numerous places, for artillery, so that, from behind it, a storm of cannister and rifle-balls would have belched forth, that would have rendered it utterly impossible for anything to live while passing over the open plain of about a mile in width, between us and the road. However, ready as they were to obey the orders of their General, to advance, there was not a man, of all the force ordered forward, whether in the front or in support, that did not breathe freer when the countermand came.

Much has been said, in unofficial quarters, about General Jackson's supposed proposition to drive the enemy into the river; but it will be seen, from the foregoing statement, that he did make the attempt and was compelled to abandon it. I did not hear of any other proposition to attack the enemy, on that occasion.

A little after dark, on that occasion, I received an order from General Jackson, to take my Brigades to the rear, to enable them to get rations and rest, preparatory to their taking position, on the front line, for the next day, which I was not able to do because no troops came to my relief. About midnight, another order came for Jackson's old Division, then under Brigadier-general Taliaferro, and mine, to relieve A. P.

Hill's Division, on the front line, at moonrise, which was then after the middle of the night, as the moon was in its last quarter. Taliaferro did move up — my Brigades being in front — and our former position, on the second line, was taken by D. H. Hill, while A. P. Hill retired to the rear, to rest and recruit his men. There was no order to make the men strip to the waist for an attack, nor for any attack; but our orders were to await the renewal of the enemy's attack, next day. The first I have ever heard of the proposal your correspondent mentions, is his statement of it. I think that if there had been any order for the men to strip, I would certainly have heard of *that*.

There was a silly story, published in some of the papers, that, at a Council of War, held that night, General Jackson fell into a doze, and, when waked up and asked what his opinion was, he replied, "Drive 'em in the river; drive 'em in the river;" but no one who knew the General's exemplary piety and very temperate habits, it is to be presumed, gave a particle of credence to that story. I heard of no Council of War, at all, either then or afterwards, except from the foolish report alluded to.

It is morally impossible that the statement of your correspondent can be correct, for these reasons: Burnside's Army consisted of three Grand Divisions, each an Army of itself, under Sumner, Franklin, and Hooker, respectively. Franklin's Grand Division had attacked our right, and Sumner's our left; while Hooker's remained, comparatively, inactive. After Sumner's repulse, the whole of Hooker's Grand Division crossed over to the support; and, though a small part of it made another advance against Marye's-hill, the greater part remained, intact, to cover the reformation of the troops that had been engaged. Franklin still remained, confronting our right, and in such strong force and position as to have compelled General Jackson to desist from his attempted attack, from that flank. The Second Corps would have had to march more than five miles to get to Fredericksburg, by any route open to it; and there was not the first preparation made for such a march. To have moved that Corps from the right, would have been the abandonment, to the enemy, of all that part of the line and to stake everything on the proposed attack, for, if that failed, the left was untenable with the enemy in possession of the right. The difficulties of advancing upon the enemy, in Fredericksburg, from the hills, in rear, were even greater than on the right, because of the impracticable character of the ground. There was no such evidence of the demoralization of the enemy, as that mentioned; for, though his assaulting columns were repulsed with great slaughter, they always had many reserves to fall back on. The

expedient of stripping to the waist would have been a very shallow one, as the night was very dark, in the fore part, and, in the latter part, when the moon rose, a heavy fog overhung the river-bottoms, including the town, while our men did not wear white shirts, and in the dark, at a little distance, it would have been impossible to tell a man without a jacket from one with a jacket. If this had furnished the means of telling the men, apart, the advantage would have been all with the enemy, who would have awaited the attack, in compact form, while our men would have had to separate into innumerable parties, to get through the streets. In an attack of this sort, it would have been impossible to preserve any control of our men; and they would have gotten into inextricable confusion. A large portion of our men (more than a third) had no bayonets, as the greater part of their arms had been picked up, on previous battle-fields, without bayonets. Our men always dreaded night-attacks, from the fear of encountering each other; and none knew of this better than General Jackson.

I do not believe that General Jackson made the proposal; and I am perfectly satisfied that the attack, if attempted, would have resulted in a terrible disaster to us—greater, perhaps, than would have attended an attack from our right. General Jackson's Staff, at that time, with the exception of his two Aids, was afterwards my own Staff, for a considerable period; and I never heard an intimation, from any member of it, that the proposal had been made. Burnside's Army was in such a condition, that he did propose a renewal of the attack, next day, and was only induced to desist from it by the earnest protest of his officers—not because of the demoralization of the army, but because of the strength of our position. To have abandoned that position would have been to yield our advantage.

There is another reason, which, to me, is a most potent one; and that is, because I know that the boldest man, in his strategic movements and his tactics on the field of battle, in all the Army of Northern Virginia, Stonewall Jackson not excepted, was General Robert E. Lee. Yes, under that calm and dignified exterior, there beat one of the boldest hearts and dwelt one of the most daring minds that ever inspired the Commander of an Army. He required no Council of War to urge him to deeds of boldness; and I never heard of a Council of War, during the whole history of that Army, under his command. It is true, that he often conferred with his Corps Commanders, and, sometimes, with subordinates entrusted with special duties; but it was not to catch inspiration from their counsels, but to instil into them a portion of his own daring spirit. General Jackson had his confidence, in a pre-eminent de-

gree, because he was always ready to second, with alacrity, the plans of the commanding General; and no one felt the loss of that invaluable Lieutenant more than General Lee himself did.

To satisfy any one of what I say, in regard to General Lee, it is only necessary for him to examine the yet unwritten history of that unparalleled Campaign from the Rapidan to the James, of the operations on the line of defences around Richmond and Petersburg, and of the retreat for more than a hundred miles to Appomattox Court-house—a place that will remain forever famous, not as the scene of triumph for the invader with his untold legions, but, as the scene of the struggle of that great heart and that great mind which so reluctantly surrendered the small remnant of less than eight thousand of the Army of Northern Virginia, with arms in their hands.

General Jackson did enough to establish his reputation on an enduring foundation, as one of the greatest soldiers, heroes, patriots, and Christians, ever produced by any country or age. Let his fame, therefore, rest on his deeds, and let not his pure name be connected with wild and absurd propositions and schemes, either for the purpose of adding to his glory or obscuring that of any of his compeers.

Who is it that claims to have known his secret thoughts and purposes? If he had any fault as a Commander, it was his extreme reticence, that often left his immediate subordinates in ignorance of his purposes, until they were called upon to act. Was it likely that strangers, to him, personally, should know more of his views than those who immediately surrounded him? The wild schemes with which his name is sometimes identified, are calculated to do as much damage to his character, as a soldier, as some of the exaggerated accounts, in regard to his religious devotions and opinions, are calculated to do to the earnest, truthful, and spotless nature of his Christian character.

J. A. EARLY.

VI.—OUR HISTORICAL WRITERS.—*Continued.*

JOSHUA V. H. CLARK.*

Biography, like history, needs the crystalizing action of time, to enable any one to write, impartially, of the dead. The little minutiae of everyday life are too familiar in our memories, to talk of, freely; the public acts are of too recent date, to have their full force measured. The partiality of friends often gives too glowing a picture; and the detractions of enemies have not had the opportunity to lose their

* We are indebted for this article to Henry C. Van Schaack Esqr., of Manlius, N. Y.

sharpness, until the daisies have blossomed and faded on the grave of the departed, many, many times. To choose the neutral or the medium course, between the two extremes of those who love and admire and those who hate and condemn, is not, always, the proper course. Occasionally, both extremes are right, but, often, both are wrong; and he who shall have that faculty of discernment to select the fair and the equitable, possesses a gift that is not often found, and one which we honestly fear we can lay no claim to. With the Scylla of religious intolerance, on the one hand, and the Charybdis of political animosity, on the other, it will, indeed, be strange if we sail in safety.

It would have suited us, far better, to have been the eulogist of our friend rather than his biographer; but his express wishes preclude the possibility; and, as it was his desire that no funeral pomp should take place over his remains, and as simple a sketch of his life as could possibly be written should be all that should follow him, we try to comply; but where so much could be said, it is harder to condense than to elaborate.

The first ancestor of the family, in America, was Thomas Clark, of Plymouth, who came in the *Ann*, in July, 1623. As most of those who came, at that time, were friends of those who came in the *Mayflower*, in 1620, we conclude he was from England. He was a Carpenter by trade; a Representative of the town, in 1651 and 1655; removed to Harwich, in 1670; and died on the twenty-fourth of March, 1697, aged ninety-two years. The line of descent is through six generations, Joshua being the seventh. Thomas Clark, the father of Joshua, came from his home, in Conway, Massachusetts, and engaged as a school-teacher, in Lafayette-square, in the Winter of 1801 and 1802.

On the tenth of February, 1802, Thomas Clark was married to Ruth Morse. She was a descendant of Samuel Morse, who emigrated to New England, in 1635, and settled at Dedham, Massachusetts, in 1637. This name, now distinguished in the realms of science, was originally Mors, (Fr. *Death*,) and was a surname bestowed upon a Norman Knight, by William the Conqueror, to perpetuate his prowess in battle. After his marriage, Thomas Clark settled in the town of Cazenovia, near the Northwest corner, where, on the sixth of February, 1803, Joshua was born. He remained here but two years, when he removed about two miles, North, on to the old Seneca turnpike, a few rods East of our County line, in the town of Sullivan, where he continued to reside the remainder of a lengthy and useful life.

It was here that Joshua passed his infancy, boyhood, and early manhood, in that noblest of occupations, the cultivation of the soil; and

we have the best evidence that he loved the pursuit, for its nobleness, independence, and the opportunities it gave him for self-instruction, which were fully appreciated and rarely neglected.

His teaching was such as the District Schools of fifty years since afforded, with the exception of a short time at Pompey Academy, and six months at Geneva Academy. Education, with him, did not consist merely in what is gathered from text-books, alone; but he sought every occasion to store his mind with useful knowledge, and from every source. He was ever considered an excellent scholar by those who were scholars with him; an adept in the mechanical, as well as the theoretical, management of a farm; an earnest searcher after agricultural knowledge; and a contributor to the agricultural periodicals of those days.

It is not known how early in life he commenced to write for the agricultural papers. Perhaps his first effusions appeared in the *Plow Boy*, the first agricultural paper in America, if not in the world; but, later in life, the columns of the *Genesee Farmer* bear many tokens of his labor; and the *Albany Cultivator* was often enriched with his Essays, entertaining and instructive. He preserved the volumes with scrupulous care; had them handsomely bound; and often referred to them, with pleasure and profit.

He remained upon the homestead, until he was twenty-five years of age, when he removed to Eagle village, where he resided until 1838, when he removed to Manlius village, where he continued to reside, and cultivated a large farm, until within the last ten years, with scientific skill and financial success.

It was not until his removal to Manlius that his taste for historical reading and research began to develop itself, which finally culminated in that indispensable work, the *History of Onondaga*. His only other volume, *Lights and Lines of Indian and Pioneer Life*, a work founded entirely upon historical facts and data, is one that ought to have had far greater circulation than it ever attained. The only critical notice that we ever saw of it was in the *London Times*; and, as near as we can recollect, now, the reviewer thought it a very interesting work, one in which the legends had the stamp of genuineness, without revealing the interpolations of the interpreter or the translator. His Essays and historical researches, for the last ten or twelve years, have been published in the *Syracuse Journal*, although a few have been sent to the metropolitan press. They are of great value to the future historian; full of facts; and rich in instruction.

For his many and varied labors, in literature and the promotion of education, he was the re-

cipient of many honorary testimonials; being elected Corresponding Member of the most distinguished literary and scientific Societies in New York, New England, and the West. As early as 1848, previous to the publication of *Onondaga*, Geneva College conferred upon him the honorary title of A. M., for his useful and assiduous labors.

On account of his intimacy with the Onondaga Indians and his devotion to their welfare, he was elected and duly installed an honorary civil Chief, in January, 1850, with the title of Go-yah-de-Kae-na-has, signifying, "the friend and defender."

But Mr. Clark's usefulness was not confined, by any means, to his literary labors. He took a deep interest in the cause of universal education; and his best efforts were given for the perfection of our Common School system, the glory of the State. He was, for nearly thirty years, a prominent and efficient Trustee of Manlius Academy, and Secretary to the Board, most of the time.

He was a member of the Protestant Episcopal Church, for forty years, and Vestryman and Warden, at different times. He was sincere in his belief, and thorough as an officer. He was a member of the New York Legislature, for the year 1855; and, in consequence of his civil relation to the Six Nations, he was made Chairman of the Committee on Indian Affairs. His Reports upon the condition of the Indians of New York and the Anti-Rent question, then agitating the minds of our distinguished men, are remarkable for their clearness and erudition. He was, for several years, the President of the village corporation, and, in every way possible, gave his aid and influence to make Manlius one of the prettiest villages in Central New York.

He was the first President of the Manlius and Pompey Agricultural Society; one of its earnest supporters; and ever active in advancing its interests. His Inaugural Address was the best we ever listened to, filled with sound practical knowledge and language suited to the capacity of his hearers. It ought to have been published in the *Transactions of the New York State Society*.

He was the first President of the Onondaga Historical Association, and re-elected four times. The interest he took in this infant, but growing, institution was honest and earnest, and continued till his death. He made greater sacrifices than any member of the Board of Directors, to attend their meetings; often visiting the city to find no quorum present; and returning, in the night, ten tedious miles. His donations to the library were many and valuable—some of the volumes quite rare, and none that they would willingly part with. His Farewell Address to the Board, when declining health prevented his longer attendance, is one

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to comprehend one Chapter, at least, in our history.

Mr. Clark was a pioneer in local history. He searched with assiduous care the manuscript records which had to be turned, page by page, as there were no indexes, and the only catch word "Onondaga," to call his attention to something worthy of his notice. Consider this, and the reader can hardly fail to award him the praise of a patient, persevering, painstaking man. His searches after matter, in all available sources, from the libraries of New England, as well as our own State, prove his assiduity and earnestness; while his labors in collating, comparing, and correcting, stamp, at once, his honesty of purpose and the desire to be reliable.

That portion of the *History of Onondaga* which had to be gathered from the memories of men and women, in all parts of the County, is the only portion we have ever heard any fault found with; and the most we ever heard is summed up in the words, "My grandfather was 'an old settler and his name is not mentioned.'" We listened to these complaints with some patience, until we learned that Mr. Clark advertised, in all the County papers, for a great length of time, for just such material. That there may be some things omitted that are really essential to a complete history, there is no doubt; but we have gleaned in the field twice, and have not found enough grain to make a band to bind one of his sheaves.

That he faithfully and earnestly sought to do full justice to all men and all localities, we have no doubt: that he sometimes was misled and deceived, would be no more than could be expected. His compilations of facts and figures, that embrace hundreds of proper names and thousands of dates, was done with as few mistakes in transcribing and printing as any work in the world.

His biographical sketches of Indian Chiefs and prominent men must, necessarily, have been written from the conflicting testimony of those who knew the individuals better than himself; but they seem to have been written in candor, with the desire to be impartial; and their truthfulness we have never heard questioned by any fair-minded man.

Of all Mr. Clark's public acts, the only one that we have cause to regret, is the one in relation to the legend of *Hi-a-wah-ha*; and this we consider an error of omission rather than commission.

When Mr. Schoolcraft published his *Notes on the Iroquois*, without giving Mr. Clark due credit, in our opinion, Mr. Clark should then have brought Mr. Schoolcraft to the bar of public opinion; and the only excuse he could have had for not doing so, was that Mr. Schoolcraft had a great reputation, while his own was limited. He

supposed, undoubtedly, that he could soon do the next best thing, which he did, in a Note on Page 30 in his *History of Onondaga*, in which he claims that he furnished Mr. Schoolcraft with the manuscript from which he framed the legend in the *Notes*.

It is not to be supposed, for a moment, that Mr. Schoolcraft did not see the *History of Onondaga*. He was one of the most influential men in the New York Historical Society; had been in correspondence with Mr. Clark; knew that he was preparing a history; and was deeply interested in all that pertained to the aboriginal inhabitants; and the volumes were placed upon the shelves of their library, as soon as published.

The *History of Onondaga* was, to the best of our knowledge, the first local history in the State; and not only attracted attention, at home, but was eagerly sought for, by every Historical Society in the land, from Maine to Minnesota. It was on the shelves of the library of the New York Historical Society, four years, in the presence of Mr. Schoolcraft, every day, until he published his large work, *History, Condition, and Prospects of the Indian Tribes in the United States*; and to ignore its existence is simply ridiculous. Upon the publication of this large work, Mr. Clark had another opportunity of demanding justice of Mr. Schoolcraft. We regret that he failed to do so; but why, we know not.

When Longfellow published his *Song of Hiawatha*, the curiosity of the public was considerably excited, in relation to some of the legends. Mr. Clark presented his claims, in a long letter, to the *New York Tribune*. Very unfortunately for Mr. Schoolcraft, he replied to Mr. Clark, and imputed motives to him, unworthy of a gentlemen. Mr. Clark, in a rejoinder, produced the proofs and convicted Mr. Schoolcraft of plagiarism, if not of untruthfulness. Mr. Parkman, a New England historian, has recently exposed Mr. Schoolcraft "striking unfitness, either for historical or philosophical inquiry."

History is not invented: the facts must be taken as they occur; and, if harsh features show themselves, like rugged rocks, by the wayside, the polite historian will soften their roughness with beautiful language, as a landscape gardener would train a delicate vine over the unsightly rock and beautify its deformity. Mr. Clark, undoubtedly, found many things in his researches that had a roughness he could not hide; but, wiser than he who attempts to conceal, he has not brought such things within the scope of his picture. In this, he did well; for, in every neighborhood, there is some foul blot upon some individual, that his meaner neighbor would gladly have perpetuated.

Local bickerings, disputes, and jealousies will creep and crawl through every community.

Every good man will have enemies; and the more anxious he is to do good, the more he will be, and the more he should expect to be, abused. We have the best of reasons for believing that Mr. Clark met many such in the County, sometimes between individuals, frequently between neighborhoods, and sometimes whole villages. That attempts were made to enlist him in these quarrels, we are very confident, but that he steered his little craft among the rocks, skillfully, and "run the rapids" without a wreck, the record he has left for us shows, conclusively.

Mr. Clark had something in his composition different from most men. He was strong in his likes and dislikes, and felt a slight or an injury keenly, which, although free to forgive, he did not easily forget. He had his peculiarities, which, to many, were not agreeable, and may have made, in the course of his life, some enemies—it would be strange if he did not; but, to our knowledge, he did make many, many friends.

The last five years of Mr. Clark's life were rendered sad by a cancerous affection, which attacked his face, and, for the last year, put him in mental and physical torture, almost continually. He bore his sufferings with a heroic and Christian fortitude, refusing assistance from any but his family, until almost his last hour. His strength of mind was such that it sustained his feeble frame, far beyond anything that is ordinarily expected; and he was confined to his bed, absolutely, but two days.

His countenance, that had, for months, been tortured with disease and pain, until his best friend would not have known him, a few moments before his final dissolution, resumed its mild and cheerful expression; and his spirit passed quietly and peacefully away. He died on the eighteenth of June, 1869, in his sixty-seventh year.

As a farmer, Joshua V. H. Clark was sagacious, scientific, and successful; as a public man, he was honest and upright; as a Christian, zealous and hopeful; as a friend, devoted and firm; as a neighbor, kind and obliging; as an essayist, instructive and entertaining; as a historian, faithful and truthful; and, take him all in all, we shall not often look upon his like again.

VII.—MATERIALS FOR A HISTORY OF MACHIAS, MAINE.

FROM THE TOWN RECORDS.*

I.

Action of the Town, on the proposition to separate Maine from Massachusetts, as communicated by the Selectmen to the President of the Portland Convention, November 20, 1786.

The proceeding of the Convention of Dele-

gates assembled at Portland, Sept. 6th, 1786, was received by the Selectmen and laid before a legal meeting of the inhabitants of this town, warned to assemble for that purpose; and, after mature deliberation, it was voted, unanimously, that this town does not think it expedient, at this present period, that a separation from the Commonwealth should take place, as you may observe by the inclosed copy of their proceedings, and appointed us a Committee to transmit the same to you, and inform you, as President of the Convention, the reasons which actuated them not to vote for it. We, therefore, according to the directions of the Town, beg leave to state some of the reasons that influenced the inhabitants in this measure.

They conceive that what the Hon^{ble} Convention state as Grievances are only inconveniencies or Burthens that are natural to all States, and will, always, in some cases, operate more powerfully in some part of the State than in others. We are not under the least apprehension but that the Legislature will always be ready, when proper steps, which the Constitution point out for that purpose, are jointly directed to them, to remove those inconveniencies or burthens, so far as it is possible or consistent with the good of the whole, and, although, some of the acts of the General Court may operate against the three Eastern Counties, still the Inhabitants of the Town of Machias do not think that their interests are so different as to be a sufficient foundation for them to seek a separation, neither do we conceive that the General Court being so large, operates any more against those Counties than the other parts of the Commonwealth, That the General Court is large and, consequently, makes their business more perplexing, we readily admit; but, for the removal of that evil, we look forward to the year 1795, when a revival of the Constitution is to take place, when a full remedy may be obtained by having only three or four members out of a County instead of one from every Town. In application to the Supreme Executive authority, the repairing to the Office of the Supreme Judicial Court and State treasury, in Boston, can be attended with much less expense than those inland Counties, where the suitors have to travel by land, which is more expensive than water conveyance, which is frequent from the Eastern ports.

That a considerable part of the inhabitants in these Eastern Counties are not represented, cannot by any means be considered as a grievance, for we apprehend the fault lies at their door, as the districts and plantations, on a proper application, would, doubtless, be incorporated, whereby that difficulty would be removed. This we are convinced of by our experience; therefore think that cannot be a sufficient reason for separation. The present mode of taxation by

*We are indebted for this series of papers to our valued friend, J. Wingate Thornton, Esq., of Boston.

Polls and Estates is one of those inconveniences which will, in all States, operate more powerfully in some parts than others; but we are informed the General Court, at their late session, has lighted that burthen as much as they possibly can, and that they have passed an Act to receive lumber for taxes, if this be true, it will operate more in our favour than it will in favour of other Counties, as it will not be so expensive to send our lumber to Boston, from the Eastern part of the State, to pay our taxes, as it will cost those who have taxes to pay who only live twenty miles from Boston.

The excise and impost Act may be considered in the same light as the article respecting taxation, for that burthen is wholly or in a great measure revived by the excise upon cider, which, we are informed, the Legislature has laid upon that article, the last Session,—the difference of the duty upon deeds they, with all due deference to the opinions of the Hon^{ble} Convention, think too trifling to mention. However, should we be misinformed in respect to the Acts passed the last Session, as is before mentioned,—and we grant that the present mode of taxation, the excise, and duties on deeds, operate more against the Eastern Counties than any other part of this Commonwealth, but still we are of opinion, it cannot operate to such a degree as to make a seperation by any ways necessary.

To support a separte Government would, in the opinion of this Town, be attended with much greater expense than what these Counties pay towards the present, without any real advantage arising to us. The British have made encroachments on our eastern frontiers and are still endeavouring to extend their boundary line farther west; partly in consequence of this information that these Eastern Counties are wishing to be erected a separte State, and we would not, in the smallest degree, wish to gratify their inclination, for they have ever boasted that if Government could once be divided with respect to interests, and principles, and territory, they would more readily fall a prey to their wishes. Should a seperation in this State take place, these Counties would not be in a situation to settle the dispute so much to advantage as they will in their present connection and the force of union to support it. The great extent of these Counties and their being but thinly inhabited, and should a war with any foreign power take place, this State, in its weak situation, would probably fall the first sacrifice, and that Massachusetts would not think it so particularly her interest to use their exertions in its defence, as it would in the present connection—neither is it probable the Commonwealth will, in the present situation of affairs, be brought to give her consent, as it would be setting an example for

the Counties of Berkshire and Hampshire to seperate, which they seem inclined to do, and, when a State once begins to divide, it may be attended with many fatal consequences, and Congress, who are bound to support the Constitutional rights of each State, would not give their assent to such a measure. At a time when our affairs are in such a precarious situation—when we labor under so many embarrassments which cannot be remedied by a seperation, but rather increased—when the deluded people in many of the Counties are rising in open rebellion to all law and government, we think it impossible, unwise, and unjustifiable, to further perplex Government in pursuing measures so unwarrantable to obtain a seperation at this time. We observe the Hon^{ble} Convention voted that those towns and plantations that does not send Delegates or send their votes, will be considered as acquiecing in a seperation; this, we beg leave to observe, is a method to collect the minds of the people different from what has been heretofore practised, and a construction put upon their silence not warranted upon any principle of reason—therefore, lest so unjustifiable a construction should be put upon our silence, the Town has directed their proceedings to be transmitted to you. We are &c.,

S. JONES,
JAMES AVERY,
R. H. BOWLES, } *Committee.*

MACHIAS, 20th Nov., 1786.

To the Hon^{ble} WILLIAM GORHAM,
President of the Convention to
assemble at Portland, in January,
1787.

Attest,
JAMES AVERY, *Town Clerk.*

II.

Petition of the Town to the General Court of the Commonwealth, for a remission of the State Tax.

To the Hon^{ble} Senate and house of Representatives of the Commonwealth of Massachusetts—the petition of the town of Machias humbly Sheweth:

That the Gen^l Court, in March, 1786, taxed all the settlements in the eastern part of this Commonwealth, among which, this town was taxed £30. The tax act not coming into the hands of the assessors 'till last fall, and all communication being stopped between this place and Boston, during the course of the winter, prevented our making application to Hon^{ble} Court before, we now beg leave to lay before you a true and unexaggerated state of our situation, and the difficulties and burthens we have and still labor under.

In the month of May, 1763, about 12 men and 3 women came to Machias and began to

erect a double saw-mill; and, in the month of August, the same year, the remainder of their families came down; the next year, a number of other families having joined them, they supposing themselves to be within the Jurisdiction of the Province of Nova Scotia, applied there for a Grant of a township; but that government, supposing them not to be within their limits, refused making them any grant. In the year 1766, they having considerably increased in number, made an application to the Government of Massachusetts; but there being some errors in the petition, they failed, but repeatedly renewed their application, until the year 1770, when a grant passed the Legislature; but then the King's approbation was to be obtained before the grant would be valid. During all this time, and till the war commenced, the people were in a state of uncertainty respecting their lands; therefore, devoted the most of their time to lumbering and had made but very little improvements upon their lands when Hostilities commenced, at which time they had not three weeks' provision in the township; and the very early and active part they took in the late contest rendered them very obnoxious to the British commanders, and they had reason to apprehend their vengeance, and for the first year all kinds of business but war was dropt. The next year, attempts were made for improving our lands; but the frequent alarms upon our Coasts embarrassed the people so that but little progress was made; and, in the month of August, one Brig that was loaded in our river and bound to the West Indies, and two Sloops that were loaded by us and bound to Newbury were all taken off the mouth of our harbour, soon after they sailed, by reason of which some people suffered greatly. In the fall of the same year, Mr. Edy came along from Boston, having obtained some provisions by the order of the Genl Court, though not clothed with any authority by them; yet he proposed to carry on an expedition against Cumberland, in Nova Scotia; and the inhabitants of Machias, full of zeal to support the common cause, immediately engaged with Edy and set out for Cumberland, but, finally, were defeated, after the severe season had set in, and had to make a retreat, through the wilderness, upwards of 300 miles through the snow. The next year, an expedition was formed, under the authority of our Government, against Nova Scotia; and to enter that Province, by the way of Cumberland, the grand rendezvouze to be at Machias, this the enemy got intelligence of, and, before any considerable number of the troops or any cannon arrived here, a small squadron of their ships, consisting of one ship of 44 guns, three frigates, and an armed Brig, entered our harbour, with a full determination to destroy us; but, by the

goodness of Divine Providence and the vigorous exertions of the people, they were repulsed, with great loss on their part, and upon our side of one man killed, one wounded, two dwelling houses, two barns, and one mill burnt. They afterwards collected in force at the mouth of the river St. Johns and we had frequent alarms and information that they were determined to make another attack upon us, so that all the people's time and attention was taken up in making the necessary preparations of defence, till the season closed, when we were informed the enemy had retired into winter quarters. In the year 1778, we had some little tranquility, and considerable exertions were made for improving the land. But, in the year 1779, we were again thrown into the greatest distress by the enemy establishing a port at Major Bigwaduice. We then expected nothing but subjugation; and the people had no heart to do any thing. After our troops arrived and besieged the enemy, Genl Leod found a reinforcement was necessary, and sent an order for one half of the militia to join him. The draught was immediately made, and set out with Col. Allen, and had got as far as Deer Island, when they received intelligence that the siege was raised. The people then returned home again; but were under considerable apprehension of being subjugated, the British commander having issued a Proclamation denouncing vengeance against all those that did not come, in a short time, and submit themselves to the British government and take an oath of allegiance. Many persons, to the westward of us, were so discouraged as to propose to fall in with the British, so far as to become neuter, and had petitions drawn for that purpose, which were sent to this town to join in the measure; but we refusing, and the steps we took prevented those places who were in favour of it from falling in, whereby the whole of the country eastward of Bagaduce, was preserved. The people of this town were now almost reduced to a state of desperation, but still determined never to submit, until reduced by superior force, altho' all communication with the metropolis and all other parts of the State, from whence we had any hope of relief, seemed to be cut off. Frequent alarms now took place, thro' this and the ensuing year; and, whilst the war lasted, the people were called out for to erect fortifications and keep guard. Great pains was taken by the enemy to bring the Indians upon us; and, in the fall of the year 1779, the noted Major Rogers was actually sent thro', by the way of St. Johns, to Canada, to bring a body of Indians against us, early in the spring, and they came a part of the way, as we were afterwards informed, until the Indians belonging to St. Johns river met them and persuaded them to return, by telling them that the French

and we were brethren, and that to fight against us would be to fight against their father, the French King—but, as we had early intelligence of the business that Rogers was upon, we really expected him, and was at the expense of keeping scouts up the river, to discover the enemy if they approached. Several vessels that were bound here, with supplies, were taken; and one that was loaded with fish, furs, and other valuable articles, and owned in the place, and was taken on her passage to Boston, and others that had property on board belonging to the inhabitants, fell into the enemy's hands. The numerous alarms and the want of provisions very much impeded the improvements of the lands, the remaining years of the war, and kept the people in a very naked situation. When peace took place, in 1783, and goods could be purchased for lumber, they were under the necessity of obtaining considerable credit in order to carry on their business and clothe their families. The mills, during the war, went to decay and were rotted down; but lumber being now in great demand and commanding a great price, they were excited to rebuild their mills; but were at a very great expense in doing it, as labor of all kinds was exceeding high—had just got under way, and a prospect of discharging the demand against them, when the Navigation Act was passed, which immediately knocked the price of lumber down from 8 to 4 dollars per thousand and now a drug at three dollars. Thus were the people involved in the utmost distresses, for most of them were in debt at the commencement of the war, and, during the contest, had no means of discharging it, even with paper money, which they would not even have wished to have done, had it been in their power; and to those old debts, they had been under the necessity, as before mentioned, of adding a very considerable new debt; and the Navigation Act was followed by two exceeding dry seasons, especially the last, when the drought set in very severe, in July. The mills were soon stopped for want of water, and continued so the remainder part of the season; and winter set in very early, without rain; the crops of potatoes cut prodigiously short; and no credit to be obtained, so that the inhabitants were reduced to greater straits, the winter past, than during any part of the war. They have also been at very great expense in running out their township; laying out their lots; settling a minister, and supporting him for 15 years; building and providing places for public worship; making roads; and many other heavy expenses which arise in bringing forward the settlement of a new Township—As an almost total stop was put to all business, during the war, the inhabitants, in general, were unable to pay the minister, yearly, which obliged him

to run in debt for the support of his family; and, when peace took place, there was nearly nine hundred pounds to be raised to pay his salary, to enable him to discharge his debts, which came very heavy on the people. Add to this, his salary since the peace; £80 a year for a public school; £250 a year we have raised to make and repair roads and highways; and £200 we have raised, the present year, for repairing our meeting-house, with other expenses of the town, make it almost impossible for us to pay any State taxes laid upon us, at present.

And our great desire to support the laws renders it necessary for us to make still further application, which is for a County to be erected in this district, which, if granted, must be attended with very considerable expense; but the necessities of it makes us anxious for the accomplishment of it.

There are many strong and cogent reasons for a County being established in this district, in particular for the punishment of crimes against the public, which altho' they are not numerous, yet there is some, and amongst others those of fornication and Bastardy, also for granting licenses to persons as Inholders and retailers of spiritous liquors, for no person will be at the expense and fatigue of traveling 300 miles, and upwards, thro' wilderness and exceeding bad roads, and when they come they must find friends to be bondsmen for them, which, perhaps, as they are strangers, it will be impossible for them to obtain; and the consequence will be, there will be no licensed persons in this part of the County; liquors will be sold in a clandestine manner; and if one sells, another may, and the matter will be so general that no person can be informed against or punished, and individuals may, thereby, be very much injured by too free use of Spiritous liquors. A county road is also exceedingly wanted, which will not be obtained until a County is established here; in short, as was before observed, our reasons are too numerous to be mentioned.

In the first part of the war, the Genl Court found it necessary to grant the Settlements, on the eastern shore, considerable sums of money to purchase provisions for the inhabitants. This place received with the others and have repaid the whole, since the peace took place, which amounted to near £1200, which we believe is the only place, Eastward, of the Penobscot, that has repaid the public any part of the sums received; neither have they been at the expense of supporting a minister, building meeting-houses, raising money for highways and public schools. We are informed, the Hon^{ble} Court have been pleased to abate the taxes laid on several of the plantations, eastward of Union-river, in consideration of their ina-

bility to pay; and we are fully sensible that this place is the least able (for the reasons before mentioned) of paying of any in the eastern county. At the time we petitioned to be incorporated, several of the members of the General Court informed us that it would not be the means of bringing on taxation any sooner, as they supposed it would be unreasonable to tax us sooner than the other places, adjacent, who were more able to pay, only because we wished to be incorporated to come into better regulations among ourselves. We don't wish to flinch from the public burthen; but, whenever we are able to pay any thing towards it we will do it with cheerfulness. But, from the many difficulties we labored under, during the war; our embarrassed situation, at the time, and since the peace took place; the large sums we have been obliged to raise for the support of minister and other purposes; the punctual manner in which we repaid Government the moneys borrowed; together with our inability, at present, we humbly pray your Hon^{ble} Court to be pleased to take our distressed state into their wise consideration, and be pleased to grant us relief by remitting our State tax, and as in duty bound will ever pray.—

By order and in behalf of the town of Machias—

STEPHEN JONES }
JAMES AVERY } Committee.
JERI^o O'BRIEN }

Attest JAMES AVERY Town Clerk—

[TO BE CONTINUED.]

VIII.—RHODE ISLAND REVOLUTIONARY CORRESPONDENCE.

FROM THE ORIGINALS, COMMUNICATED BY REV. E. M. STONE, OF PROVIDENCE.

1.—Governor Cooke to Stephen Hopkins and Samuel Ward.

PROVIDENCE, August 31st 1775.

GENTLEMEN :

Mr. Ward's Letter of the 10th, inclosing the address and Declaration, and his Letter of the 19th have come safe to Hand.—By a Letter from General Washington I was informed that Three Ships of War and Nine Transports sailed from Boston the beginning of last Week. As the Enemy are greatly distressed for Want of fresh Provisions, I conjectured this Fleet was designed to supply them; and immediately sent a Quantity of Powder, Ball and Flints to Block Island, to enable the Inhabitants to defend themselves, and gave them assurances of further aid if necessary. As this Fleet hath not been heard of on our Coast, I imagine they were destined to the Eastward. Two of the

Men of War were cruising yesterday, and the Day before in the River, and came above Conimicut Point. As it is possible for them to come near enough to fire upon the Town, our Attention is strongly turned to the erecting of a Fortification below. I sometime since forwarded to you a Plan of the River, and should be glad to know the Sentiments of the Congress upon that subject, and whether the erecting a Fortification, which would not be a very expensive one, will be considered as a Continental Expense, as I am clearly of the opinion it ought to be.—As you repeat your Application for the Accounts of the Committee of Safety, I have written to them all and urged them to have their Accounts ready at the opening of the next Session of Assembly, that, after being considered, they may be transmitted to you. About 140 or 150 of the Six additional companies ordered by this Colony have marched to join the Army. Two commissioned officers of each Company are left to recruit. But the Colony hath been so drained of Men by the large Levies already made, that it will be sometime yet before they will be complete. A very heavy firing near Boston was heard the Night before last & Yesterday Morning. The same Night a Detachment of 300 Men marched from Roxbury to Complete the Destruction of the Light House. By some persons who came in here last evening and this morning from Roxbury, we are told that the firing was universal from all the Enemys' Works, Ships and Floating Batteries; and that about 40 Regulars pushed out, forced our Sentries to retreat, and burnt the George Tavern and one other House and Barn. Two of the Party which came out, took that Opportunity to desert. From Cambridge we have a Report that the Enemy under Cover of a Field of Corn had begun an Entrenchment, which they had carried on some Time before they were discovered; that they were attacked by our People with Musketry, and a smart Firing kept up on both Sides; and that the enemy were obliged to retreat.

I am, with great Truth and Regard,
Gentlemen,

Your most obedient and
Most humble Servant,

NICHO. COOKE.

Honble S. HOPKINS &
S. WARD, Esqrs.

2.—Governor Cooke to Stephen Hopkins and Samuel Ward.

PROVIDENCE, Novem^r 27th 1775

GENTLEMEN,

As I am well convinced that the Ministry will act in America next Year with powerful Armies I am under the greatest Appre-

hensions that we shall be deficient in that most necessary Article of Gunpowder.

The Measures hitherto taken to provide it seem to me greatly inadequate to our Demands; and my Attention hath been constantly turned towards a probable Means of supplying them. I have thought of a Plan which if it be possible to carry it into Execution, will answer our warmest Wishes. By late Experiments it appears that Saltpetre may be more expeditiously made, and by a more simple operation, out of Earth taken from under Buildings, than in any other Way. I myself have set some Leaches, and procured Saltpetre of the best quality, from Earth taken from under my Barn, and am confident that the whole Process may be completed in Four Days. I propose that the Congress address the Inhabitants of the Colonies, recommending it, by the most cogent Arguments, and Motives, that the important Subject will afford, to every Farmer, who hath a Barn and Crib, immediately to set up Leaches in Proportion to the Dimensions of his Buildings, for the making of Saltpetre. Let the Congress also recommend it to the several Colonial Assemblies, and Conventions, to give such a Price for it, for a limited Time, as will be a sufficient Encouragement to the undertaker, and to subject to Penalties all those who have Buildings suitable for the Purpose and shall neglect or refuse, at this most critical Conjunction, to make an Article so essentially necessary for the Preservation of their Country. In this Case it will be necessary to appoint Committees in every Town and Parish to take care that the Resolutions be punctually complied with. I suppose that the Farmers, who have large Barns, and Cribs may, to their great Profit, at a small Expense for Leach Hogsheads only, and by the same Fire that keeps them warm, easily make during the course of the winter 30 or 40 Pounds, one with another. I make no doubt that Sulphur, if early Measures are taken, may be imported from the West Indies. I am told that any Quantity may be had at the South Part of Dominica near the Harbor of Roscan, where it is so plenty that Boats may lie alongside the Beach & lade with it. By these Means it appears to me that we may be seasonably and fully supplied with Gunpowder. If the Congress think these hints worthy of Attention the sooner they perfect them the better: As the Southern Colonies may be at Work almost the whole Winter; and in the Northern Colonies we may expect some Intervals of open Weather when the Earth may be got from under the Buildings.

The following is a short account of the Experiment I made. I set Four Molasses Hogsheads for Leaches of Earth taken down as low as Twelve inches in the same Manner they are set to make Soap, excepting that I did not use

Lime; they Stood Two nights and One day. I then drew off the ley, boiled it half away, strained it through Ashes that had been leached before, then boiled it again, until it was of a proper Consistence, (which is determined by putting it in a Spoon or saucer to cool; if it shoots into crystals it is boiled enough) and then set it in a Vessel to cool. The next morning the Saltpetre was made. In the Evening I poured off the ley, put the Saltpetre into a Pail, poured boiling Water upon it, and stirred it until it was entirely dissolved, and set it away to cool. In the morning the Saltpetre was perfectly clarified. I poured off the ley and boiled it again, from which I gained a considerable Proportion of Saltpetre. This was my First Trial. Upon Further Experience I suppose great Improvements may be made in the Process.

I have just seen Mr. Ezra Deane of Cranston who returned from Susquehanna last week. He informs me that he saw at the House of Mr. John Jenkins of Exeter in that Purchase, one Jeremiah Blanchard who shewed them a parcel of Earth, taken as he said out of the side of a Hill, which contained a Vast Proportion of Saltpetre, and told them that any Quantity might be obtained. I inclose you a small Sample of it. Deane who is to be relied upon gives Jenkins a good character but does not speak so favorably of Blanchard. The necessity of obtaining Saltpetre is so great that we ought to take every Chance: And as this matter can be ascertained at a small Expense, I think it will be prudent immediately to send one or more trusty Persons to the Spot to make Examination and Experiments. They ought to be clothed with proper Credentials from the Congress upon account of the unhappy Dispute between Pennsylvania and Connecticut.

We have now in the Harbor of Newport, the *Rosa*, the *Swan*, and the *Glasgow*, with a Bomb Brig and Six Tenders, and a large Scow as a Transport—Capt. Whipple, who sailed last night for Philadelphia, took a Schooner of 30 Tons from Boston in Ballast addressed to G. Rome for fresh Provisions. Capt. Arnold who came Passenger in her, informs me that, when he left Boston, which was Ten Days ago, about 500 Troops had arrived there. All our accounts from the Continental Army agree that the Men re-enlist very slowly. I desire you to procure and send me a particular account of the Process of making Gunpowder, and of the Proportions of the several Ingredients &c

I am with great Esteem & Regard Gent'n
Your most obdt, hble Servt

NICH'S COOKE

Honbles S. HOPKINS &
S. WARD Esqrs

3.—*Samuel Ward to Governor Cooke.*PHILADELPHIA 7th Jan'y 1776.

SIR,

We have the Honor of your Letter of 26th last month. The Marine service is of such vast Importance, that we doubt not of your utmost Attention to it in all its Branches. The Ravages committed by the armed Vessels & the continual alarms raised by them must be very distressing to the Colony, but what would not a wise man do or suffer, to preserve his Liberty, the alone Source of human Happiness and only Security for the permanent Enjoyment of it. The Colony has bravely defended Itself, and supported the common Cause of America. The next Campaign, as our Enemies will make every possible Effort against us, will probably require still greater Exertions. We are therefore clearly in Opinion with you, that a Regiment ought to be raised & kept up in the Colony, at the Continental Expense, & shall embrace the first favorable Opportunity of applying for one. If by the Divine Blessing we succeed next Campaign, the Burthen of the War will be over & the Re-establishment of our just Rights and Privileges will be the glorious Reward of this arduous struggle.—The Removal of the Stock is of great Importance, & We are happy to find that proper measures are adopted for that Purpose. We lament that any Person should be so lost to Virtue & the Love of their Country as to attempt to divide us, when our union is essential to our Preservation, but we hope that the wise & temperate & yet spirited Conduct of the General Assembly will prevent the intended mischief & preserve union in the Colo'y. We are concerned for the uneasiness occasioned by the different Constructions of the Resolve of 15th July last. We lately gave our opinion upon it, but horned cattle, sheep, hogs & poultry cannot be exported by it, our extreme Want of Powder occasioned that Resolve No man ought to take the advantage of the necessities of his Country to demand exorbitant Prices for what she stands in need of, nor to abuse a License given by her, to her Injury, or should an instance of that kind happen, others ought by no means to violate her Resolves, for if once the Resolutions of Congress are trampled upon, there will be no Common Bond of union left, no adequate Power to collect & exert the united Strength of the Colonies, Confusion and certain Destruction would soon follow. A moments Reflection must satisfy any man of this, and induce him as he values everything dear to human nature, religiously to support the Resolves of Congress.

We are with great Regard

Sir, Your most obedient

Very humble Servants

SAM. WARD.

P. S.

Mr. Hopkins is so engaged he could not attend to look over the letters & desired me to sign & forward them myself. For important news, refer you to my Letter to the Gov'r & Com'g

This moment an Express from N. York has brought the Kings Speech at the opening of Parliament, which I have inclosed ; It is decisive every man must now be convinced that under God our Safety depends wholly upon a brave, wise and determined Resistance. May infinite Wisdom direct all your measures to the Preservation of America in general & the Happiness of the Colony in particular.

S. WARD.

4.—*William Ellery to Governor Cooke.*PHILADELPHIA Nov'r, 10th 1776.

SIR,

Although nothing remarkable hath occurred since my last ; yet as it is my duty to write frequently I take up my pen to avoid the Imputation of Neglect. Our Army in the middle Department have moved four Miles, to some Heights beyond White Plains. In a private Letter I am told Gen'l Lee hath wrote that the Enemy had but two moves more to make before it would be check Mate, alluding to the Game of Chess. There have been several Skirmishes within 3 Weeks past in all which, We have been successful excepting that of last Monday Fortnight, and in that, although We lost the Ground ; yet the Loss of the Enemy was three Times as great as ours. By the best account I can collect, We lost only about 100 killed and wounded. I have conversed with a Gentleman who was a Spectator of the Fight. He says that our Men behaved with great Firmness and Spirit, that they frequently repulsed the Enemy, who repeatedly reinforced their Detachment from the main Body, which was within a Quarter of a Mile of the Place of action, and so compelled our Men to retreat, which was done in good Order, and without the Loss of their Arms or Field Pieces. He further said that our Musketry was more frequently discharged than but our Field Pieces not so often as those of the Enemy. We have again routed Major Rogers with his rebel Band ; and should have taken Twenty of the Enemy's Light Horse if our Men had not been too eager. A few more Skirmishes with a Battle now and then would learn our Troops, coolness, Obedience, and Discipline. I do not expect a general Battle this Campaign. The Generals seem to be determined not to put any Thing to a Risk. If there should be, barring accident, We shall beat the Enemy. Our last accounts from the Northern Army say, that Carlton was at Crown Point, and that if he should attack our Troops

that We should repel him, and at the worst confine him to the Lakes. Our Armies are well supply'd with Provisions; but they want Clothing. I hope that your Honour and the Gen'l Assembly will expeditiously execute what hath been recommended & requested of you & them by Congress, respecting the article of Clothing and that Care will be taken that our Two Battalions be raised and equipped in Season. Congress have lately passed a Resolve empowering G'l Washington to appoint Officers, where any of the States had not Comm'r's on the Spot at the Time that he should receive the Resolve, the Time for which a great Part of the Army was enlisted being so near expiring as not to admit of any longer Delay.

I should be very happy to receive a Letter now and then from my Constituents, with the Information I have and may request. I received a Letter from your Honour I imagine by the Contents, without a Signature, and am glad to find that the Report was as I suspected groundless and scandalous. An Emulation among the respective States who shall do most in the glorious Cause in which We are engaged is highly commendable, and would be beneficial; but if it should degenerate into Jealousies, Suspensions and Calumny it might be dangerous.

Your Honour will see in the late Papers an Extract of a Letter dated at Fort Lee giving an account that Six Gent'n who had escaped from the Enemy's Fleet informed that 70 Transports with 3000 Troops were destined for our State. The News Paper doth not mention from what Letter the Extract was made. It was taken from a Letter of Major Gen'l Greene. I don't think We are in any Danger at present. Hereafter when their army shall go into Winter Quarters the Enemy may have Men to spare for that Purpose. It would be well however to be upon our Guard, to let our apprehensions be known to the neighbouring Sister States, and to request them to prepared to assist us when ever We may be invaded. If an attack should be made on Rhode Island I am afraid that some who have subscribed the Test act would immediately discover that they did not think themselves bound by their Subscriptions, and that those who have refused to subscribe and have received Indulgencies would not on that account be less forward to join and assist the Invaders. We ought to guard against our internal as well as external Enemies, and if we can, put it out of their Power to injure us. I hope I shall be pardoned for giving these Hints, and I don't doubt it when it is considered that I have been urged to it by a sacred Regard to the State I have the Honour to represent, and to the United States of America. I continue to be with the sincerest Respect your Honour's

and the Republick of Rhode Island &c. Friend and humble Servant.

W^m ELLERY.

P. S. As I am obliged to write in haste I hope Blurs Blots and Inaccuracies will be overlooked.

W. E.

5.—*William Ellery to Governor Cooke.*

PHILADELPHIA M'h 15th 1777.

SIR.

I have the Pleasure to inform you that, beyond my Expectation, I have procured a Resolve of Congress, in favour of our State, for an Order upon the Auditor General for Two hundred thousand Dollars, upon the Loan Office for Sixty Thousand Dollars, and upon the Treasury for One hundred and forty thousand Dollars to be paid out of the new Emission order'd to be issued. Before Congress left Baltimore, they order'd a Million of Dollars to be deliver'd to the Auditor General subject to Draughts from Congress. The Money is on the Road, and so soon as it arrives the Order upon him will be paid, and your Commis'rs dispatch'd. I received a Letter yesterday from Sam'l & Robt Purviance dated Baltimore March 10th, 1777, inclosing a Letter to Me from your Honour, which they say they had received that Morning by Capt. Timothy Coffin who was addressed to them by our State for a Load of Flour & Bar Iron. That they should load & dispatch him as soon as possible, but from the present extreme bad Condition of the Roads it was very difficult to bring Flour or any thing else to Town, therefore Produce would come in but slowly for sometime.—That you had sent a General Order on Mr. Hillegas the Treasurer for as much as would load the Vessel. Mr. Hillegas says he can't pay it without a Warrant on the Order specifying the particular sum. As this can't be known until the Vessel is loaded, that they shall when that is done transmit me the Order to obtain a Warrant for the Value Shipp'd, and close with desiring me to give your Honour the earliest Notice of Coffin's Arrival. I do it, Sir, with great Pleasure, and shall pay them by an Order upon the Treasurer, who will continue at Baltimore some Time, for so much as the Lading &c., shall amount to, to be paid out of the 140,000 Doll's for which I have an Order upon him asbefore mentioned.

We have nothing remarkable. The President rec'd a Letter last Evening from Col. Wayne at Ticonderoga dated the 2nd of March. Every thing was in Peace. He mentions how the Enemy were posted in Canada, and in doing that says that the famous, now infamous *Paoli* commands at one of them. There are Two British Grenadiers in Town who lately deserted from the Army in the Jersey, they say that the

Enemy were in Want of fresh Provisions & Forage, & that there was a red Fever among the Hessians, which proved very mortal. From this and other Accounts of the Want of Forage, and from the Loss and Incapacity of their Horses for Service for Want of Food I hope and conclude that they will not be able to move from Brunswick until We shall have collected an Army sufficient to attack and demolish them. I am impatient to hear of an attack on Rhode Island. I hope nothing will prevent it. A successful attack there would be of infinite advantage to the Common Cause.

I am in great Haste but with all due Respect,
Your Honor's most obed't, humble Serv't,
WM. ELLERY.

6.—*William Ellery to Governor Cooke.*

PHILADELPHIA, March 30th, 1777.

SIR.

Agreeable to the Directions in your Letter by Messrs Greene & Hoell, I have exerted myself to the utmost of my Power, and have been happy enough, by the kind Offices of the President and others, in Consequence of my application, to Procure a very great Part of the Balance due to the State of Rhode Island, &c., which I wish may go safe to our Treasury. The Commr's will inform you into the unhappy Cause of their Detention; they will also acquaint you with the Monies they paid Messrs Purviances out of the Monies received from the Treasurer in Baltimore, and when it was expected that Capt. Coffin would sail, and with every article of Intelligence. If the Monies paid by them to the Purviances should not amount to the Balance of their accounts, I shall improve that Circumstance to obtain a Resolve for an additional Sum and take the Money along with Me, if I can, when I return to our State. I should be exceedingly glad if the Gen'l Assembly would choose a Delegate early in the first Session after they receive this, and give immediate Notice of their appointment, by transmitting a Copy of their Resolve on that Head to their Delegates in Congress; because after the Expiration of the time for which I was appointed I cannot take a Seat in Congress; and I mean to continue here until I am made acquainted with this appointment; for if I should not be rechosen, I shall take Home with me all my Baggage, only a Part of which I shall be obliged to carry backwards & forwards, if I should be honoured with a Reappointment. It is the Obsurvation of an Author, well acquainted with human Nature, that the least a Man says in his own Praise, is still too much. I will therefore only observe in my own behalf, that if I have not discharged my Duty hitherto so well as I ought to have done, it hath not been owing to a Want of attention to it; and that if

the State of Rhode Island should think proper to honor me with a Reappointment they may rely on my most strenuous Endeavours in its Service.

The Liberty of America I hold dearer than my Life, and shall always feel a Satisfaction, amidst any Sacrifice of Ease and domestic Comfort I may make—when I can contribute towards its Establishment, and the Prosperity and Happiness of the State of Rhode Island &c.

With the warmest wishes for both, if they do not involve each other, and for your Honor's Health & Felicity I continue to be with the greatest Consideration and Esteem

Y'r Honor's most obedt hble Servt,
WILLIAM ELLERY.

P. S.—The Delegate to be chosen will I suppose be chosen for a year, the year to commence at the Expiration of the Time for which I was appointed.

W. E.

I have delivered the Loan Office Certificate for sixty thous'd Dollars to ye Commr's. It is indorsed to you, Sir, for the Use of the State.

7.—*William Ellery to Governor Cooke.*

PHILADELPHIA, April 6th, 1777.

SIR.

You will receive with this a Letter from Messrs. Saml & Robt Purviance, inclosing an Invoice of Sloop *Diamond's* Cargo and an account of Disbursements, by which it appears that there is a Balance due to them of £164. 16. 8. After waiting a convenient Time I shall make a fresh application for the Balance due to our State, and out of the Monies I may receive pay the above Balance. If I should not be able to procure an Order on the Treasury in Season, I have wrote those Gentlemen that I would borrow and transmit them the Money due to them upon the first Notice.

Inclosed is a Resolve of Congress respecting your granting Commissions, which I transmit because in the Multiplicity of the Presidents Business it may be forgot by him. I laid the Paragraph of your Letter which related to that point, before Congress immediately upon the receipt of your Letter. Congress did nothing in the Matter which amounted to an acquiescence. A Day or Two ago a Letter from the President of So. Carolina was read in Congress representing that for the Want of Commissions Instructions &c he had issued Commissions, and desiring that a Resolve might pass which might give Validity to his Commissions. This brought to my Mind your granting Commissions, and induced me to move the Resolve which is now inclosed. If Cont'l Commissions should be wanted you will send for them in Time. It is said that the

Troops, which in a Letter to Commodore Hopkins I mentioned had embarked, and desired him to communicate to you, have disembarked; but in a late Letter from the General he does not mention it. It is his opinion that this City is the great Object of the Enemy and it is too the Sentiment of Gen'l Greene. I wish We may be prepared to receive them. I am greatly mortified to find that the Expedition designed by the Gen'l Assembly hath fallen through. To what Cause this is owing, I know not; but I am sorry that the Militia of this Continent should by the military be considered in a Light so little respectable as it is. I know not what Numbers were collected in Consequence of the spirited Resolution of our State; but I should think that Six Thousand Militia conducted by good officers would be sufficient to expel, destroy or captivate the four thousand said to be on Rhode Island, a Number of whom are doubtless invalids. But this I speak with Submission; for I am unacquainted with the military Walk. I never traveled in it. However, in the present as well as the last War Militia did as I remember, and have done, many notable Feats. I could wish to have this Business taken up again, if it can be done with a good Prospect of collecting a spirited Army of six or eight thousand Men, and some able officer to conduct them. I am not alone in my Opinion of the advantages which would attend such an Expedition, nor of the Prowess of Militia. You will excuse these Hints suggested and thrown out from a Mortification I feel in having a handful of the Enemy in Possession of an Island so beneficial to them, when it appears to me that our Militia with the aid of our Sister States could very easily dislodge or destroy them, and from a Love of Country. Mr. Marchant is not arrived. I hope the Request in my last will be complied with. I am with great Regard,

Your Honor's most obedient Servant,
WM. ELLERY.

8.—*William Ellery to Governor Cooke.*

PHILADELPHIA, May 8th 1777.

SIR.

Inclosed is an Extract from a Letter written to the Comm'ee of Correspondence by Arthur Lee Esqr, one of the Comm'rs employed by the Congress at the Courts of France & Spain. By this Extract, the Necessity of destroying the British &c. Forces, on Rhode Island before they may be reinforced fully and strongly appears. Boston, it seems is to be attacked. Which Way it is to be attacked, if attacked, is unknown. The Distance from Providence to Boston is about forty six miles Two Days' March only, It hath been and still is my opinion that, if the Enemy intend to pene-

trate into New England, One of their Routes will be from the Head of our Bay, or near it. If the Assembly should agree with Me in this Sentiment, no arguments will be wanting to them, to comply with the Recommendation of Congress. But should this not be the Case most certainly every possible advantage ought to be taken of the divided State of the British Army to crush and destroy it. In a late N. York Paper was published an act of Parliament lately passed for apprehending, and imprisoning, within the Realm of Britain until January 1778 all Pirates and Traitors. If I should be able to procure the Paper or a copy of the Act, before I close my Letter, I will transcribe & transmit it to you. We must retaliate, and Confine all the Prisoners We take. I fancy, before the Campaign is out, We shall be able to balance Accounts with the Enemy. Recruits have come forward from the Southward very cleverly of late. I hope recruiting goes on in the Eastern States briaker than it did. The quota of our State must not be deficient. The common Cause and our Reputation depend upon our activity. The Enemy have used, and are Still using every Artifice they can, to increase Toryism, promote Desertions, and depreciate Continental Dollars, Persons are employed in every State to propagate the first, Twenty four dollars is offered for every Soldier that will desert and carry with him, his Arms, a Less Sum for a Deserter without his Arms, to promote the Second; and to depreciate our Money it seems they have counterfeited large sums and have sent their Emissaries to spread their counterfeit Dollars through the States. I have seen a thirty Dollar counterfeit Bill. It was badly executed. We ought to be, methinks, as industrious to defeat as they are to contrive. It is high Time to treat Tories with proper uniform Severity, & to watch Strangers and perhaps one another with a jealous Eye. The Enemies of our own House, are more dangerous than external Foes. But it is my Business to inform, not to direct. I hope the Gen'l Assembly will attend, if they should not have already done it, to the Letter which I wrote them, desiring the earliest Information after the appointment of Delegates. Our State is not represented in Congress now, and will not be until I shall have received authentick advice of my being chosen, or another Delegate shall have arrived. Therefore let me intreat that it may be done, that the new Delegates may come forward immediately. The Circumstances of my Family require that I should return as soon as possible to make some Suitable Provisions for it, and my long constant attention in Congress demands Relaxation. Our Loss at Danbury turns out to be less than we imagined, and We have killed more of the Enemy; but We have no certain account of

either, Every thing in the Jersey statu quo. I congratulate your Honour on the arrival of the Field Peices. We shall take the Field under greater advantages this, than the last Campaign.

Heartily wishing that the Success of it may be at least proportioned to our superior advantages, that we may give our Enemies such convincing Proof of their Folly, Injustice & Cruelty as may induce them to drop the Contest, and thus this be our last Campaign, I am with great Respect,

Y'r Honor's most Obedt h'ble Serv't,
WILLIAM ELLERY.

9.—*William Ellery to Governor Cooke.*

YORK TOWN, May 3^d, 1778.

SIR.

I take this earliest opportunity to inform your Excellency that a Messenger arrived here yesterday P. M. from France, with dispatches, containing among other Things a copy of the Treaties of alliance and of amity and Commerce entered into between the Court of France and our Commissioners; which will without doubt be ratified by Congress.

The former hath the protection and support of the Independency of these States for its basis, and the latter is founded in perfect equality and reciprocity.

If War should be commenced by Great Britain ag't France it is to be made a common cause.

The Independency of these States is to be supported.

If any particular enterprise should be undertaken, we are to join and act in concert.

No truce to be made without the consent of each, unless our Independency is absolutely acknowledged.

France guarantees our Independency, and all we possess or shall possess at the conclusion of the war, and we guarantee to France her Possessions in America. Admission of other Nations to equal advantages in Commerce.

These are imperfect minutes of some of the principal heads of the treaties as I took them at the Table last evening while they were reading. Hereafter when the treaties shall be ratified, copies of them will be transmitted to the several States.

The Letters from the Comm'rs show a good disposition in the powers of Europe towards us.

Prussia shows a disposition to share in our commerce but will not open her ports to our privateers until the arrangement of Independency shall be made.

The Ambassador of the Duke of Tuscany hath given our commissioner favorable expectations from his Court.

Portugal will accede to the family compact.

The House of Bourbon & all the powers of Europe will soon acknowledge our Independ-

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ency. We are desired to forget any animosities we may formerly have entertained ag't France, & to cultivate a friendship for her.

These minutes were made as the other and must of course be very imperfect also.

The Treaties of Alliance &c were signed the 6th of February; and display a spirit of magnanimity and a soundness of policy scarcely to be paralleled. Instead of pursuing that narrow policy which regards only the present moment and present Interest, and nobly disdaining to take an advantage of our situation, France hath, with but a small variation, acceded to our own proposals, thereby doubtless intending to bind us to them by the indissoluble Ties of affection & Gratitude.

It is reported that Genl Amherst, and Admiral Keppel are arrived at Philadelphia; but by an officer whom I saw this morning, and who came directly from Camp it seems to be only a report. Commissioners are daily expected from Britain with proposals for a reconciliation. Congress will abide by their Independency at all events, and I have no doubt but that it will be acknowledged this Campaign even by Britain herself, provided we bring into the field a respectable army.

She is reduced to the greatest straits. From Germany she cannot collect recruits for their stipulated Troops,—From her own Island but few can be drawn. Her credit is sunk in Holland, and her Stocks are fallen. France hath a large body of troops in Normandy and Bretagne, her Navy in good preparation and is determined to protect her commerce to America. She waits only for Britain to strike the first blow. Rather than do this it is my humble opinion that if our people will but step forth, this campaign as I have said before, She will acknowledge our Independency, and be contented with that part of our commerce which it may suit us to give her.

Mr. Collins will set off in a day or two. He will take with him One hundred and fifty thousand Dollars, and a Warrant on our Loan office for the same sum. I am afraid you will be disappointed; but this was not obtained without difficulty. Unless Comm'rs should be appointed to settle our accounts before you make another demand, and they are adjusted; or you should send your auditor with the vouchers for every article, and direct him to tarry until the accounts shall be liquidated, I am afraid any application would be fruitless. Permit me to desire that two of the Delegates, if they should not have come on before this reaches you, may be sent forward immediately; for my health, and the situation of my family oblige me to quit York Town. I continue to be with great Respect Y'r Excellency's very hble Servant
W^m. ELLERY.

IX.—FLOTSAM.

[These scraps have been picked up in various places and brought to this place, "as they are," without any voucher for their correctness, and with no other object than to secure for them the attention of our readers.

We invite discussion concerning each of them; and if any of them are incorrect or doubtful, we invite corrections.—
EDITOR HISTORICAL MAGAZINE.]

INTERESTING LETTERS FROM JEFFERSON AND JACKSON.

MR. EDITOR: A few weeks since, you published a copy of a letter of advice written to a young namesake by that eminent statesman and patriot, Henry Clay. I have in my possession, fac-similes of letters of advice to a boy by those illustrious statesmen, Jefferson and Jackson. Of the genuineness of the originals I think there can be no doubt, from the evidence I have in my possession. They compare favorably with the letter of Mr. Clay; and I think the three letters, together, contain some of the best advice to the young ever written.

The history of the letters is this: Peter A. Grotjan, Esq., of Philadelphia, and his wife, had, for many years, enjoyed a correspondence with Mr. Jefferson. In December, 1832, Mrs. Grotjan wrote to Mr. Jefferson, requesting him to bestow his name on her infant son, and write him a letter of advice, as a legacy. With this request, he cheerfully complied, and wrote the letter, of which the following is a true copy, from the fac-simile. On the eighth of June, 1833, Mr. Grotjan introduced his son, then ten years of age, to General Jackson, and requested him to add his sentiments: he retired to his room, and returned, in a few minutes, with his communication written on Mr. Jefferson's letter.

"*Th. Jefferson to Th. Jefferson Grotjan.*

"Your affectionate mother requests that I would address to you, as a namesake, something which might have a favorable influence on the course of life you have to run. Few words are necessary, with good dispositions on your part. Adore God; reverence and cherish your parents; love your neighbor as yourself, and your country more than life. Be just; be true; murmur not at the ways of Providence—and the life into which you have entered will be one of eternal and ineffable bliss. And if to the dead it is permitted to care for the things of this world, every action of your life will be under my regard. Farewell.
"MONTICELLO, Jan. 10, '24."

"Although requested by Mr. Grotjan, yet I can add nothing to the admirable advice given to his son by that virtuous patriot and enlightened statesman, Thomas Jefferson. The precious relic which he sent to the young child, contains the purest morality, and inculcates the noblest sentiments. I can only re-

"commend a rigid adherence to them. They will carry him through life, safely and respectably; and, what is better, they will carry him through death triumphantly; and we may humbly trust they will secure to all who, in principle and practice adopt them, that crown of immortality described in the Holy Scriptures.

"ANDREW JACKSON.

"PHILADELPHIA, June 9th, 1833."

The letter from Mr. Jefferson, it will be observed, was written in the eighty-first year of his age, two years previous to his death, in 1826. It breathes the spirit of one living in view of the eternal world, and in fellowship with its heavenly inhabitants—the spirit of the patriot and the Christian. The writing shows the trembling hand of an old man; but is sufficiently plain to be read even by a child. The strongly marked individuality of Jackson is seen in every line of his penmanship, and the sentiments of his letter are such as we should expect. How happy would it be for our children, could we leave to them the legacy of such examples and precepts as we have received from the founders of our Republic. In these days of official corruption and political dishonesty, is it not well to keep them in mind of such teachings and such examples?—*N. Y. Chronicle.* E. E.

UNPUBLISHED LETTER OF JOHN ADAMS.

The Worcester Transcript has been furnished with the following copy of a letter, written, in 1813, by the elder Adams to Thomas Jefferson, never before published. The allusion to Alexander Hamilton's influence, during President Washington's administration, is particularly worthy of notice.—
Ed. Hist. Mag.,

QUINCY, July 12, 1813.

DEAR SIR: I forgot, in my last, to remark a very trifling inaccuracy in yours of June 27th. The letter intercepted in Hitchbourne's trunk, which was reported to glance at Mr. Dickenson, was not in 1776. It was in the month of June, 1775. Had it been June, 1776, the English would have printed it. The nation had then too maturely reflected on the necessity of Independence, and was too ripe and too hot for a Proclamation of it. Neither Mr. Dickenson nor any of his friends would have dared to express the smallest resentment of it, out of their own gloomy circles. The Penns, the Allens, the Chews, and the Willings, in other words, the Proprietary gentlemen of Pennsylvania—I mean those of them who had not run away to the English—would have been silent. The Quakers, instead of producing my Letters, and reading them, and recording them in their General Meetings, and holding me up to the detestation of their whole Society, as the most odious of men, aiming, or, at least, having in contemplation, the possibility of Independence, in any case what-

soever, would have concealed and dissimulated their hypocritical cant. The Pembertons, (even Israel,) the Drinkers, the Shoemakers, and all the rest, would have been silent. The Spirit would not have moved one of them to open his lips.

In June, 1776, my Friends would not have put on long faces and lamented my imprudence. None of them would have wondered, as some of them did, in 1775, that a man of Forty Years of Age, and of considerable Experience in business and in life should have been guilty of such an Indiscretion. Others would not have said; "It was a premature Declaration of Independence;" and Joseph Reed, soon afterwards private Secretary of General Washington, and, after that, Governor of Pennsylvania, would not have said to me, as he did, "I look upon the Interception and publication of that Letter, as an act of the Providence of God to excite the attention of the People to their real situation and to show them what they must come to."

You say "it has been hoped, I would leave such explanations as would place every saddle on its right Horse, and replace on the shoulders of others the burthens they shifted on yours."

Hoped! by whom? They know not what they hope. I have, already, "replaced on the shoulders of" Franklin the burthens he shifted on mine. Shall I replace on the shoulders of WASHINGTON, the burthens that a bastard Bratt of a Scotch Pedlar placed on his shoulders and he shifted on mine?

How many Gauntlets am I destined to run? How many Martyrdoms must I suffer?

Be they more or less, I have enjoyed a happy Life; and I would not exchange Life, Character or Fortune with any one of them.

There are few Men now living, if any, who know more of me than you do. Yet you know but little of the Life I have led, the hazards I have run, or "the light afflictions for a moment," I have endured.

I will conclude this grave solemn Letter with a merry Story; but, as true as it is diverting.

In my Youth, I was acquainted with one of our New England Nobility, Representative, Counsellor, Colonel, Judge John Chandler of Worcester, of whom I could tell you twenty humorous and instructive Anecdotes. He had great Influence in our Legislature. Upon some occasion, there was a complaint against him, as a Justice of the Peace, in the County of Worcester. He arrived in Boston; and the Council sent for him, and interrogated him, and threatened him. When he came down from the Council Chamber, one of his Brother Representatives asked him, "What can the matter be?" "God damn them," said Chandler, "they talk of uncreating their Creator." If you do not

understand this and wish an explanation, you shall have it.

JOHN ADAMS.

To President JEFFERSON.

A CURIOUS DOCUMENT.—In Connecticut, when the news was received of the plot to assassinate King William III., in the winter of 1695-6, there was an association entered into by the members of the Council and General Assembly, of which the following is a copy, taken from the original still preserved in the State Library in Hartford, with the autograph signatures.

"At a Session of the Council in Hartf'd Sept'r 2d, 1696

"Whereas there has been a horrid and detestable Conspiracy formed and carried on by Papists, & other wicked & traitorous persons for assassinating his Ma'tys royall person in order to encourage an invasion from France on England, to subvert our Religion, Laws and liberty; whose names are hereunto subscribed, doe heartily, sincerely and solemnly profess, testifie and declare, that his present Ma'ty King William is rightfull and lawfull King of ye Realms of England, Scotland and Ireland, and that neither ye late King James nor ye pretended Prince of Wales nor any other person hath any right whatsoever to ye same, and we do mutually promise and engage, to stand by and assist each other to ye utmost of our power in ye support and defence of his Ma'tys most sacred person and government, against ye late King James and all his adherents, and in case his Ma'tie come to any violent or untimely death (which God forbid) we do hereby further freely and unanimously oblige ourselves to unite, associate and stand by each other, in revenging ye same upon his enemies, and their adherents, and in supporting and defending ye succession of ye Crown, according to an Act made in the 1st year of ye reign of King William & Queen Mary intituled an Act declaring ye rights and liberties of ye subject, and settling ye succession of ye Crown.

Hartford, Sept. 2d, 1696.

MEMBERS OF THE COUNCILL.—ROBERT TREAT, GOVERNOR, JOHN ALLYN, Assistant; SAMUEL MASON, Assist.; NATH'L. STANLY, Assist.; CALEB STANLY, Assist.; MOSES MANFIELD, Assist.; JOHN HAMLIN, Assist.; ELEAZER KIMBERLY, Sec'y.

"At a sessions of the Gen'rl Court, Octob'r 8, 1696.,

"We, whose names are hereunder written doe testify our entering into and covenanting in the Bill of Association mentioned on the other side and doe solemnly inguage to stand by and to perform all the articles and condi-

"tions therein contained in testimonie of our steady loyalty to the sacred person of his Royall Maje'tie our dread Sovereign Lord King William, and to his government by our subscription.

"ROBERT TREAT, Gov'r; JOHN ALLYN, Assistant; ANDREW LEEK, Assist.; SAMUELL MASON, Assist.; DANIELL WETHERELL, Assist.; CALEB STANLY, Assist.; MOSES MANSFIELD, Assist.; JONATHAN SELLECK, Assist.; NATHAN'L STANLY, Assist.

"REPRESENTATIVES.—APRIAN NICKOLS, WILLIAM PITKIN, HENRY WOLCOT, JOHN MOORE, SAM'LL FOSKYK, ANDREW LESTER, JAMES HEATON, JOHN ALLING, MATH'LL LYNDE, JOHN CLARKE, WILLIAM CHENEY, JOHN HALL, JOSEPH MINOR, EZEKIEL MAYNE, JAMES JUDSON, JOHN BOOTH, ELEAZER STERIOR, WILLIAM NALTBIE, DAN'LL BRAINARD, JOSEPH FREEMAN, BENJ. BREWSTER, RICHARD BUSHNELL, THOMAS CLARKE, SAMUELL NEWTON, JAMES TREAT, JOHN CHESTER, JOSIAH ROSSETTER, STEPHEN BRADLE, JOSEPH PECK, SAMUELL RIGGS, JOHN HAWLY, SAMUELL BUELL, THOMAS HART, SAM'LL HALE, SAMUELL WILCOCKSON, PETER BUELL, THOMAS JUDD, ELIASAPH PRESTON, JOHN HALL, JOHN BATES, DAVID WATERBURY, JOHN WAGEMAN, ANDREW MESSENGER."

WASHINGTON IRVING'S ANCESTORS.

DEAR SIR: I see, from a paragraph now going the rounds, copied from the *Northern Ensign*, that Mr. Petrie, County-clerk of Orkney, has discovered that Washington Irving, the celebrated writer, is an Orkney man, by descent, Mr. Petrie says:

"Along with other gentlemen, I have been engaged for the last six or eight months in tracing the pedigree of Washington Irving; and we have found, from the manuscripts (most of them in my possession) and other sources, that his father was born in Shapinshay; emigrated to New York about 1760; and died in 1798, leaving a large fortune. The Rev. P. P. Irving was here about three weeks; and carried away with him a table of the family descent, tracing them back to 1422, and subscribed by Sheriff Robertson and myself. The Orkney Irvings are descendants of the Irving of Drum, as appears from the coat of arms appended to Charters, etc."

Some years ago, a weatherbeaten old Shields sailor gave me the following particulars:

"William and Peter Irven or Irvine, brothers, were born in Shapinshay, Orkney, about the middle of last century. William took to the sea; Peter was bred a tailor. The former got on rapidly, and, having acquired a great fortune while yet a young man, settled in New York,

"seventy or eighty years ago. Peter, who remained in his native island, married, and had five daughters, of whom the youngest, Sarah, the only one of the lot who entered the married state, was named after her uncle's wife, in America. She espoused George Fowles, mariner, belonging to Durness, and had seven children, of whom the oldest, Thomas, my informant, now living in Shields, is about sixty years old. The rich American uncle had a son, whom he named after the illustrious patriot, Washington; and this individual is the world-renowned author of *the Sketch Book* and *Bracebridge Hall*."

In Denniston's *Memoirs of Sir Robert Strange*, some additional facts are given:

John of Irwyn had landed possessions of Holmn, in Orkney, in 1438, when the country was still an appendage of the Crown of Denmark and Norway. The Irvines of Sebay are very frequently mentioned, in the times of Robert and Patrick Stewart, Earls of Orkney, and suffered very severely from the outrages of these rapacious nobles. They became extinct, in the direct male line, *tempore* Charles I.; but one collateral branch had, immediately before, settled in the island of Sanday, and another, the Irvines of Gairstay, in the island of Shapinshay. They left the estate of Gairstay several generations back, and sunk down into the condition of mere peasants, tenants of Quhome, where some of them reside at this day. I was there, lately, with Mr. Balfour, the proprietor of Shapinshay, who pointed out the old and modest house at Quhome, where was born William Irvine, father of Washington Irving. Is it not somewhat singular that Sir Robert Strange and the author of *Bracebridge Hall* can be almost demonstrated of the same blood? I guess, if Irving knew his pedigree could be traced, step by step, up to John Irwyn of 1438, he would readily claim and vindicate his Orcadian descent.

The Irvines, Irvins, or Irwins, though seeming to derive their appellation from a place in Ayrshire, are connected with the old moss-trooping Eurewings of the southwestern Scottish march. The latter are enumerated by Sir David Lindsay among the Border Clans:

"Adieu all thieves—
" Taylors, Eurewings, and Ellwands,
" Speedy of foot and light of hands."

A branch of them settled early in the North; and we find that the Irvines, along with the Keiths, Leslys, Forbesees, and other Clans, being at enmity with Huntly and Errol, joined James I., in his expedition into the Highlands. (Robertson's *History of Scotland*, ii., 221.)

A tradition exists which refers the same to a Roman origin. The family, now so widely scattered, has been located, from time immemorial, in the vicinity of the Roman Wall, in Liddesdale and Cumberland; and its founder is said to

have been Paulus Irvinius, the Captain of a Roman Legion stationed there. This, if true,—is exceedingly curious. WILLIAM BROOKIE.

SOUTH SHIELDS, Oct. 11, 1856.—*Gateshead Observer*.

THE AUTHOR OF "HOME, SWEET HOME."—The following, from a newspaper of 1853, gives some interesting incidents in the life of the author of *Home Sweet Home*: "As I sit in my garret here, in Washington, watching the course of great men and the destiny of party, I often meet with strange contradictions, in the eventful life.

"The most remarkable was that of J. Howard Payne, author of *Home, Sweet Home*. I knew him, intimately. He occupied the same room, under me, for some time; and his conversation was so captivating that I often spent whole days in his apartment. He was applicant for office, at that time—Consul at Tunis—from which he had been removed. What a sad thing it was to see the poet subjected to all the humiliation of office-seeking. Of an evening, he would walk the streets. On such occasions, he would give me a history of his wanderings, his trials, and all cares incident to his sensitive nature and to poverty. 'How often,' said he once, 'I have been in the heart of Paris, Berlin, and London, or some other city, and heard persons singing, or hand organs playing, *Home, Sweet Home*, without having a shilling to buy myself the next meal or place to lay my head. The world has literally sung my song till every heart is familiar with its melody. Yet, I have been a wanderer, from my boyhood. My country has turned me ruthlessly from office; and, in my old age, I have to submit to humiliation for my bread.'"

"Thus he would complain of his hapless lot. His only wish was to die in a foreign land; to be buried by strangers; and sleep in obscurity. Poor Payne! He died at Tunis. His remains should be brought to this country and a monument erected to him, by the homeless, with this inscription: 'Here lies J. Howard Payne, author of *Home, Sweet Home*. A wanderer in life—he, whose songs were sung on every tongue and found an echo in every heart, never had a home. He died in a foreign land.'"—*Louisville Journal*.

A SOLDIER'S LAST LETTER.—1775. That gallant soldier, General Richard Montgomery, fell at the siege of Quebec, on the last day of 1775. At the same time, his Aids-de-camp, Major John MacPherson, (wrongly printed "McPhunn," in Lossing's *Pictorial Field Book of the Revolution*, i., 198,) and Captain Cheeseman, were also slain.

The spot is still pointed out—namely, at the foot of a cliff called Cape Diamond, crowned with the citadel. Of MacPherson and Cheeseman, we are told by Lossing, that "they were brave and accomplished, and gave assurance of future renown; but they fell with their leader, and share with him the grateful reverence of posterity."

The day before the attack upon Quebec, MacPherson wrote a letter to his father, which we shall here give—not only because it is a model of what a Christian soldier would write under the circumstances, but because it has never before been published. It runs thus:

"MY DEAR FATHER: If you receive this, it will be the last this hand shall ever write you. Orders are given for a general storm on Quebec, this night; and Heaven only knows what may be my fate; but, whatever it may be, I cannot resist the inclination I feel to assure you that I experience no reluctance in this cause, to venture a life which I consider is only lent to be used when my country demands it.

"In moments like these, such an assertion will not be thought a boast by any one—by my father, I am sure it cannot. It is needless to tell that my prayers are for the happiness of the family and their preservation, in this general confusion. Should Providence, in its wisdom, call me from rendering the little assistance I might to my country, I could wish my brother did not continue in the service of her enemies.

"That the All-gracious Disposer of human events may shower on you, my mother, brothers, and sisters, every blessing our nature can receive, is, and will be to the last moment of life, the sincere prayer of your dutiful and affectionate son,

"JOHN MACPHERSON.

"HEADQUARTERS BEFORE QUEBEC,
"30th December, 1775."

MacPherson's brother held a commission in the British army; and it is to him that special reference was made in the above. The letter was left with directions to be sent, in case the writer did not survive the assault upon Quebec. Accordingly, General Philip Schuyler despatched it to Captain John MacPherson, the father, with the following missive from himself:

"Permit me, Sir, to mingle my tears with yours, for the loss we have sustained; you as a father, I as a friend. My dear young friend fell by the side of his General, as much lamented as he was beloved; and that, I assure you, Sir, was in an eminent degree. This, and his falling like a hero, will console, in some measure, a father who gave him the example of bravery, which the son, in a short military life, improved to advantage.

"General Montgomery and his corpse were both interred by General Carleton with military honors.

"Your most obedient and humble servant,

"PH. SCHUYLER.

"ALBANY, 14th June, 1776."

Both letters remained among the papers of the MacPherson family, and the copies from which we print are endorsed thus: "The originals of which these are copies were lent to General Wilkinson, when he was writing his *Memoirs*, and never were returned."

"J. M. MACPHERSON."

—*Philadelphia Press*, Oct. 30, 1860.

WHO ATE ROGER WILLIAMS?—Is now a question of much interest, as will be seen from a perusal of the following interesting statement. For many years, it has been the design of the friends of this distinguished man, to erect a suitable monument to his memory. Recently, the matter was newly agitated with success, and work was begun to erect a memorial to the founder of Rhode Island. The place of his burial was found; and the work of exhuming his remains, which had been buried one hundred and eighty-three years, was undertaken. The result of the movement was as follows: In digging down into the "charnel house," it was found that everything had passed into oblivion. The shapes of the coffins could only be traced by a black line of carbonaceous matter, the thickness of the edges of the sides of the coffins, with their ends clearly defined. The rusted remains of the hinges and nails, with a few fragments of wood and a single round knot, was all that could be gathered from his grave. In the grave of his wife, there was not a trace of anything save a single lock of braided hair, that had survived the lapse of more than one hundred and eighty years. Near the grave, stood a venerable apple-tree; but when and by whom planted is not known. This tree had sent two of its main roots into the graves of Mr. and Mrs. Williams. The largest root had pushed its way, through the earth, till it reached the precise spot occupied by the skull of Roger Williams. There, making a turn, as if going round the skull, it followed the direction of the backbone, to the hips. Here it divided into two branches, sending one along each leg to the heel, where they both turned, upward, to the toes. One of these roots formed a slight crook at the knee, which made the whole bear a close resemblance to the human form. This singular root is preserved with great care, not only as an illustration of a great principle in vegetation, but for its historic association. There were the graves, emptied of every particle of human dust! Not a trace of anything was left! It is known to chemistry that all flesh, and the gelati-

nous matter giving consistency to the bones, are resolved into carbonic acid gas, water, and air; while the solid lime-dust usually remains. But, in this case, even the phosphate of lime of the bones of both graves was gone! There stood the "guilty apple-tree," as was said at the time, caught in the very act of "robbing the grave." To explain the phenomenon, is not the design of this article. Such an explanation could be given; and many other similar cases could be adduced. But this fact must be admitted; the organic matter of Roger Williams had been transmitted into the apple-tree: it had passed into the woody fibre and was capable of propelling a steam-engine: it had bloomed in the apple-blossoms, and had become pleasant to the eye; and more, it had gone into the fruit, from year to year, so that the question might be asked, who ate Roger Williams?—*Albany Argus*.

WHO CAPTURED GENERAL RIAL?

[The following interesting letter from General Jesup, throws light on one of the most interesting events of the War of 1812; and we find a place for it with much pleasure.]

WASHINGTON, Sept. 25, 1852.

GENTLEMEN: By an article copied into the New Orleans *Picayune* of the 12th instant, from the St. Louis *Republican*, I learn that a controversy is going on in the public journals as to who captured Gen. Rial, of the British army, in the battle of Niagara. That is not a subject for dispute. Gen. Brown's official report of the battle, states the matter correctly. At the close of the third paragraph of that report, the General says: "The 25th had been thrown to the right, to be governed by circumstances;" and in the paragraph which follows, he says: "The 25th Regiment, under Major Jesup, was engaged in a more obstinate conflict with all that remained to dispute with us the field of battle. The Major, as has already been stated, had been ordered by Gen. Scott, at the commencement of the action, to take ground on his right. He had succeeded in turning the enemy's flank; had captured, by a detachment under Captain Ketchum, Gen. Rial, and sundry other officers," &c., (See Gen. Brown's report in Brannon's *Military and Naval Letters*, page 381.)

The facts are these: When the 25th had turned Gen. Rial's left flank, it was ascertained from prisoners that Gen. Drummond was advancing at the head of a heavy Division. The importance of checking his movement, and keeping him out of action, until Gen. Brown should come up with Ripley's and Porter's Brigades, was obvious. Captain Ketchum was detached with his Company to seize the Niagara Road, with orders to seize all who should attempt to pass, either to the front or rear; the commander of the Regiment at the same time taking a position

with five Companies to support him, and to check the movements of a body of Cavalry not more than a hundred paces from the road.

In about ten or fifteen minutes, Ketchum reported the capture of Gen. Rial, with his escort. While these events were occurring, a detachment, under a non-commissioned officer, which had been sent down the road towards the advancing column, captured Captain Moorson, (I believe that is the name), the British Adjutant-general, on his way with a communication from Gen. Rial to Gen. Drummond, and Capt. Loring, an Aid of the latter General, with a communication to the former. The 25th Regiment was then between the two British Divisions; and it was important to get the prisoners out of the way, that they might not impede its action. It was due to Captain Ketchum that he should conduct them from the field; and he was detached, with forty men, to deliver them to Gen. Scott.

Gen. Brown's report was first published in the *National Intelligencer*, if I mistake not, in August, 1814, and can be referred to by any one having access to a file of that journal. It is due to the memory of Ketchum, as gallant a soldier as ever led American troops into battle; who never hesitated, no matter what the peril, to execute any order given to him; who never made an attack which was not successful, nor received one which was not repulsed; that the facts in regard to the capture should be correctly understood. I therefore ask the favor of you, Gentlemen, to publish this note in the *Intelligencer*, as early as you can conveniently find room for it; and I am, respectfully,

Your Obedient Servant,
TH. S. JESUP.

XI.—NOTES.

THE BATTLE OF SPRINGFIELD, N. J.

*We copy the following report of this action, made by General Maxwell to Governor Livingston of New Jersey, from the original, in the possession of a friend.—ED. HIST. MAG.,

JERSEY CAMP, NEAR SPRINGFIELD, }
14th June, 1780. }

DEAR GOVERNOR: You will find by the inclosed that I had written to your Excellency on the 6th inst. The person who was to have delivered it halted at Elizabethtown, and before daylight was alarmed. We were alarmed also by 12 o'clock, and had marched near your house when intelligence was received that the enemy were landing in force, with artillery and dragoons, and that their number would be at least 5,000. I thought Elizabethtown would be an improper place for me. I therefore retired toward Connecticut Farms, where Col. Dayton joined me with his regiment. I ordered a few small parties to defend the defile near the Farm

Meeting-House, where they were joined and assisted in the defense by some small bodies of militia. The main body of the brigade had to watch the enemy on the road leading to the right and left toward Springfield, that they might not cut off our communication with his Excellency General Washington. Our parties of Continental troops and militia at the defile performed wonders. After stopping the advance of the enemy near three hours, they crossed over the defile and drove them to the tavern that was Jeremiah Smith's, but the enemy were at that time re-enforced with at least 1,500 men, and our people were driven in their turn over the defile, and obliged to quit it. I, with the whole brigade and militia, was formed to attack them, shortly after they had crossed the defile, but it was tho't imprudent, as the ground was not advantageous, and the enemy very numerous. We retired slowly toward the heights toward Springfield, harassing them on their right and left, till they came with their advance to David Meehner's house, where they thought proper to halt. Shortly after the whole brigade, with the militia, advanced their right, left, and front, with the greatest rapidity, and drove their advance to the main body. We were in our turn obliged to retire after the closest action I have seen this war. We were then pushed over the bridge at Springfield, where we posted some troops, and with the assistance of a field piece, commanded by the militia, the enemy were again driven back to their former station, and still further before night. Never did troops, either continental or militia, behave better than ours did. Every one that had an opportunity (which they mostly all had) vied with each other who could serve the country most. In the latter part of the day, the militia flocked from all quarters and gave the enemy no respite till the day closed the scene. At the middle of the night, the enemy sneaked off and put their backsides to the sound near Elizabethtown. Our loss was one ensign killed, and three lieutenants wounded, seven privates killed, twenty-eight wounded, and five missing. The militia lost several and had a number wounded. We have good reason to believe, from the number of dead left on the ground, and from the information of many of the inhabitants where they had their dead and wounded, that they lost three times the number we did. Gen. Stirling is among their wounded and thought to be dangerous, with Count Donop killed, a son or nephew of the General who met the same fate at Red Bank. I am credibly informed that 47 of the enemy, dead were found the next day, scattered through the woods and fields, beside those whom they themselves had buried and carried off the first day. The main body of the enemy now occupy the ground by the Old

point and De Hart's house. Their advanced parties are as far as Elizabethtown Bridge. I am, with much respect and esteem, your Excellency's most obedient humble servant.

WM. MAXWELL.

15th.—N. B.—Your Excellency's family was all well a day or two ago, and had received no injury from the enemy. Your son William was with us all the day of the action.

His Excellency Gov. LIVINGSTON.

AMERICAN COMMERCE, ETC., IN 1761.—From the Introduction of *The American Negotiator; or the various currencies of the British Colonies in America, as well the Islands, as the Continent.* * * * * * *Reduced into English money.* By J. WRIGHT, Accountant. London: Printed by J. Everingham, Dean-Street, Fetter-Lane. For the Author, 1761, we give the following extract to show the nature and objects of the work.

It contains the names of about two thousand five hundred persons in London and Bristol, subscribers for the work, and, of course, interested, at that time, in the trade with this country.

"The Trade carried on between *Great-Britain* and her *American Colonies* hath been for many Years very considerable, and of late Years greatly increased, and still daily increasing; and is happily in so flourishing a State at present, as to make up a very great Part of the extensive and vast Trade carried on by *Great-Britain* and *Ireland*. The very great Quantities of Goods and Merchandise that are yearly exported to the Colonies, most of them of the Manufactory and Produce of *Great-Britain* and *Ireland*, and the very numerous Fleets that annually arrive from the said Colonies richly laden with the various and valuable Productions of the western World, which almost every favourable Wind wafts over from the Bosom of the *Atlantic Ocean*, are daily Testimonies of the Importance of the Trade to the Colonies, to such a Degree, as to be the principal Source of the Riches, Grandeur and Power of the *British Nation*, to which it has at present arrived, by the auspicious and benign Dispensation of Prudence; to the Wonder, Envy and Jealousy, of the neighbouring Nations; and our good Neighbours the *French* in particular, who for near a Century past have made repeated Efforts, both by open War, as well as by sly and treacherous Methods, and every *Machination* in their Power, to deprive us of the Sources of Wealth and Power, which the Trade to *America* so evidently administers to *Great-Britain*. But the joyful Days are come, that the Bonds of *French* Power in that Part of the World are now broke in sunder, and all their Attempts to destroy or

"circumscribe the Bounds of the *British Colonies*, and consequently the Trade thither, happily subverted, overset, and destroyed, by the refulgent Beams of Providence, which have so remarkably shone on the *British Arms*, in the Course of the present War, and has placed the *British Flag* on every Fort and Port of the northern Part of the Continent of *America* (as well as several of the southern Isles) where the *French Flag* waved before; so that it may now be said in one respect of the *British Dominions*, what *Puffendorf*, in the Introduction to his *Roman History* says, of the Extent of the *Roman Empire*, which he says, was only bounded by Nature; having for Bounds on the North the frozen Hyperborean Mountains of *Sythia*, and on the South the burning sandy Deserts of *Africa*. In like Manner, the *British Empire* in *America* is at present only bounded by the Inclemency of Cold, and uninhabitable Woods and Wilds of *Terra incognita Borealis*, or the unknown Regions of the North. And also on the West of *Canada*, by Countries little known to the *Europeans*, which, as they lay in temperate and inhabitable Climates, 'tis hoped the *British Nation* will in Process of Time be better acquainted with than at present.

"'Tis certain, the present great extent of the *British Dominions* in *America* are situated in, and comprehend all the Diversity of Soil and Climate, as is to be found in all the inhabitable Parts of the Globe; and consequently 'tis highly probable, that every vegetable Production, that is now raised in all other Parts of the World, will thrive when transported to a Climate, and Soil, of the same Temperature as the Place of their native Growth.

"The want of new Seeds and Plants, which are hard to be obtained and transported with vegetable Life in them, so far as from the *East* to the *West-Indies*, is a great Obstacle; but nevertheless, may in Time be surmounted.

"The Genius and Industry of the *British Nation* for planting and cultivating new Lands, and raising every Production their Soils and Climates in *America* are capable of producing, promise great Things on this Head, especially as the Colonists are encouraged by the Society for the Encouragement of Arts, Manufactures and Commerce, by the many Premiums they have offered for the raising new Production in *America*, which Encouragement is said to be seconded by several of the Governments in the Colonies; which makes it more than possible, that in Process of Time, all the vegetable Productions, that are raised in the southern Parts of *Europe*, may be raised in the Colonies in great Abundance. These and other Considerations set before us the pleasing Prospect of the Trade to *America*, greatly increasing

"to the reciprocal Advantage of the Colonies and their Mother Country.

"It is not my Intention here to play the Geographer, or to dip into Politicks, or commence Historian of any Class, either Political or Natural; these Subjects are amply treated of by many Authors of various Nations in *Europe*, in their respective Languages; inso-much, that a Collection of Books wrote on the Affairs of *America* would make a very considerable Library of themselves; and the respective Writers on these Heads, and what is found in Collections of Voyages and Travels, seem to have quite exhausted their respective Subjects, and must wait for new Events, Discoveries and Circumstances, to furnish them with new Materials further to expatiate on their respective Subjects, which no doubt Time will amply supply them with."

We find the Apothecary, architect, army-lace-man, attorney, accomptant, auctioneer, alderman, anchor-smith, agent; Baker, biscuit-maker, banker, broker, brewer, brush-maker, bookseller, block-maker, brazier, brick-layer, breeches-maker, button-man, button-maker, buckle-maker, bacon-cutter, Blackwell-Hall-factor, buckram-stiffener; Carpenter, coach-maker, collar-maker, coach-painter, chair-maker, cabinet-maker, cheese-monger, china-man, coal-merchant, comb-maker, carver, clerk, chymist, cooper, confectioner, chaser, currier, calender, clock-engraver, colour-man, cyder-merchant, copper-merchant, copper-refiner, copper-plate-printer, corn-factor, cork-cutter, carpet-warehouse-man; Druggist, distiller, drum and colour-maker; Enameller, engraver, exchange-broker, engine-maker, esquire, Factor, fan-maker, furrier, fell-monger, fish-monger, founder, floor-cloth-painter; Gentleman, gun-maker, grocer, gun-powder-merchant, glass-grinder, glass-seller, glass-merchant, glover, gold-beater, gold-wire-button-maker, gold-smith, gold and silver-flatter, geographer; Hatter, haberdasher of hats, hat-maker, hosier, haberdasher, hard-ware-man, hot-presser, hooper, hop-merchant, hair-merchant; Indigo-maker, ink-maker, iron-founder, iron-monger, inn-keeper, insurance-broker; Joiner, jeweller; Leather-dresser, leather-seller, leather-cutter; leather-dyer, lace-man, linnen-draper, lighter-man; Mason, machine and black-ball-maker, mathematical-instrument-maker, man's-mercier, malt-distiller, maltster, metal-flatter, measure-maker, master of Vaux-hall-garden, mercer, merchant, mill-wright and engineer, musical-clock-maker, meal-factor, milliner; Notary public, needle-maker; Operator of teeth, optician, orris-weaver, oil-man, oil and colour-man, oil-cooper, orange-merchant; Preacher, painter, printer, print-seller, packer, peruke-maker, pin-maker, pewterer, plumber, poulterer, perfumer, potter, pump-maker, pawn-broker,

planisher, paper-ware-house-man, physic-gardener; Refiner, ribbon-weaver, rug-maker, remembrancer; Sausage-maker, saddler to her majesty, ship-chandler, scale-maker, soap-maker, spring-saw-and-plane-maker, silk-man, silk-broker, silk-dyer, slop-seller, seeds-man, shoemaker, school-master, stationer, surgeon, silver-smith, saddler, salter, sugar-refiner, sugar-broker, satin-dresser, ship-broker, ship-builder, shipwright, stock-broker, sail-maker, stocking-trimmer, silver-turner, shoe-ware-house-man, shagreen-case-maker, shalloon-maker; Tanner, tobacco-nist, tallow-factor, tallow-chandler, timber-merchant, trunk-maker, truss-maker, toy-man, tea-man, taylor, tin-man, tyre-smith, tabby-waterer, throwster; Vintner, victualler, vestry-clerk; Upholsterer, upholder, undertaker; Weaver, white-smith, worm-maker, wool-stapler, wine-seller, ware-house-man, watch-maker, watch-case-maker, watch-gilder, wharfinger, whip-maker, whalebone-cutter, woollen-draper.

We see here how different branches of business were subdivided. We have tanner, currier, leather-dresser, leather-seller, leather-dyer, leather-cutter; and so of others. We have some employments of which, in this country, we have little knowledge: what acquaintance have we with "fell-monger;" "remembrancer," "calender" "orris-weaver," "throwster," "slop-seller," "haberdasher," etc.?

We infer that there was then, there, as well as here, at that time, very little Coffee used, as it is not mentioned, unless under the general name of Grocer. It is probable that mineral coal, for fuel, had not come into general use, as now; in fact, at first, there was a great prejudice against it, as against many other new things, such as *saw-mills* and power-looms. In the whole list there is but *one* coal-merchant.

There were no dealers in cotton or cotton goods—silk, linen, woollen are mentioned. We miss, too, many kinds of merchandise which have come into use, in the last century,

We would like to see the trades, professions, employments, etc., in London, New York, etc., at the present day, contrasted with this. It would show as great a difference from this of London, in 1761, as that does with ancient Tyre, in the days of the prophet Ezekiel, Chap. xxvii., where he describes it under the allegory of a ship with all its cargo on board, sunk in the sea,

We have now many articles of merchandise, modes of manufacture, means of living, of which the people who lived a hundred years ago never dreamed.

It is worthy of notice how different, too, are the terms then in use for the same trade or occupation, from the present—"oil-man," "oil" and-colour-man," for a dealer in paints and drying oils; "tea-man," is a dealer in that article;

so "toy-man" and "tin-man;" and dentistry had not been much practiced when they named the practitioner, "the operator of teeth."

It seems to have been an ancient and eastern practice to use the term *man* for actor, or agent; so "husband-man," for farmer; "ship-man," for sailor; "crafts-man," in the Bible. In the East, in western Asia, they used the term "Barisman," for the keeper of a fortress.

It is a singular fact, that, in all this list of twenty-five hundred names, including above two hundred trades and professions interested in the trade with this country, there is not *one Doctor*, unless the following may be so regarded, "*Geo. Bridges, original Bug doc.*" What this expression means, has puzzled every one to whom we have shown it. We should like to have some of the antiquarian readers of THE HISTORICAL MAGAZINE explain it.

STATESVILLE, N. C.

E. F. R.

WITCHCRAFT.—In the year 1692, at Salem, in the Puritan Colony of Massachusetts, accusations of Witchcraft were brought against several persons. A special Court was ordered by the Governor for their trial; and the whole community showed the deepest interest in the result. The evidence received was such as may be found in nearly all similar trials in Europe; it was conclusive of the guilt of the accused, to the minds of the Judges; and they were condemned and executed on the gallows, by order of this "Witch-Court."

The excitement increased; many more were accused and held for examination; but the matter being brought before the Representatives of the people, in their annual assembly, the special Court was abrogated, and three months' delay obtained. People grew calm, and reasoned together; and, when the accused, were tried before the Colonial Court, all were released. Belief in witchcraft came to a violent end, for the first time in the world's history. The strong good sense of the Puritans overthrew one of the most deeply-rooted superstitions of the ages.

While the foregoing contains the simple facts of the Salem case, as related by every historian of credit, nothing is more common than for ignorant or malicious persons to refer to the Puritan belief in witchcraft as an evidence of peculiar intolerance and religious fanaticism.

While the Puritans believed in the power of witches and in demoniacal possession, until 1692, it is a fact that they held their opinions in common with the whole civilized world. A belief in witchcraft meets us at the very dawn of authentic history. Instances are recorded in the Old Testament; and Moses commanded

the children of Israel, "Suffer not a witch to live." It was a common faith, in the pagan world, and flourished through the splendid civilizations of Greece and Rome. Philosophers, naturalists, and conquerors, Cicero, Pliny, and the Cæsars, were equally its dupes.

With the common tenacity of error, witchcraft survived the wreck of laws and learning, in the fall of the Roman world; and, gathering strength into the twilight of the middle ages, it was as much a matter of belief, until the beginning of the eighteenth century, as the Christian religion. Not only were both branches of the Christian Church fully committed to it, by the united voices of Popes, Bishops, Clergy, and the Canon Law; but it was unquestioned by the Universities and philosophers and recognized by the Statute Law.

The men to whom the Reformation is due, Erasmus, Luther, Melancthon, and Calvin, could here join their adversaries, on common ground. Belief in human spirits, acting through the human agency of witches, was no superstition, but simple fact, to minds like Shakspeare, Milton, Hobbs, and even down to the time of Locke. Sir Thomas Brown, author of the *Exposure of Vulgar Errors*, testified in Court as to his entire belief in witches. Sir Kenelm Digby and Bruvere are also on record as believers. While men so illustrious, as scholars and philosophers, held the faith, there could be no doubt in the common mind; nor was it safe to be skeptical in England or France, down to the close of the seventeenth century.

In 1670, sixty people were executed at Mobra, in Sweden, as witches, and several of them were children. In 1677, five men were burned at Paisley, Scotland. In France, witches were burned as lately as 1718, and tried as lately as 1765. James II. of England tried some witches himself, and had them put to the torture; and the Act against witches, under which thousands had suffered, was not repealed in England until 1736, forty years after the occurrences at Salem!

Hundreds of instances can be cited to prove, beyond question or cavil, that the Puritans only agreed with the current opinions of the world, opinions not of the ignorant merely, but the learned also, and those of the highest station, including the Sovereign Pontiff of the Roman Church, Kings on all the thrones of Europe, the Judges on the Bench, and the whole body of the Clergy. And it is equally true that the Puritans were among the first who subjected this superstition to the light of reason, and exposed it as a delusion and error.

JOHN E. RUSSELL.

NAVAL.—The *Darien Gazette* says, that there is an old live-oak stump on Mr. Couper's plan-

tation, (St. Simon's,) from which the original stern-post of the *Constitution* was taken. Shortly after the capture of the *Guerriere* by that vessel, a BAY-TREE sprung up from the centre of the old stump, and has continued to flourish ever since; and, as an evergreen, may be seen at all times of the year, constantly increasing in strength and beauty. We presume, therefore, that there can no longer be a doubt that the *American Constitution* will always flourish "like a green bay-tree."—*Commercial Advertiser*, April 30, 1824.

NEW YORK.

W. K.

FIRST THRASHING-MACHINE.—In commending the hand threshing-machines of the present day, as "cheap, and doing their work easily, expeditiously and well," the *American Agriculturist* says: "The earliest attempts to thrash by machinery were, we believe, with hand thrashers. The curious will find a reference in Washington's Diary, under the date of January 22d, 1790, to his having called upon the Baron de Poellnitz to see his threshing-machine, by which it is clear that, long before the introduction of horse thrashers, a tolerable effective hand machine was employed."

In this County, the early efforts of inventors of threshing-machines were in the same direction. Mr. Pope of Hollowell was the first to introduce such a machine to the notice of farmers. This was in 1826. His first machine went by hand; and, by turning a crank, a series of mallets or swingels came over upon a table, on which the heads of the grain had been placed by the man tending it, and the kernels pounded out. Afterwards, it was driven by horse power, the power being applied by means of the old cider-mill sweep, the gearing being very rude and simple. These were the beginning of the improvements afterwards so successfully carried out by the Brothers Pitts, and which have rendered their names, in connection with horse-powers and grain-separators, so well known throughout our country.—*Maine Farmer*.

We beg to suggest that, if our friends of *The American Agriculturist* and *The Maine Farmer* will turn to *Proverbs* x., 13, they will find that "threshing-machines," by hand power, were known and, probably, used, long before either Washington kept a Diary or Mr. Pope introduced such a machine to the farmers of Maine.

BRONXVILLE.

DICK.

BOOKS.

I.—RECENT PUBLICATIONS.

[Publishers and others sending Books or Pamphlets for the Editor of THE HISTORICAL MAGAZINE, are respectfully requested to forward the same, either direct to "HENRY B. DAWSON, MORRISANIA, N. Y.," or to MESSRS. CHARLES SCRIBNER & Co., Booksellers, 654 Broadway, New York City, as shall be most convenient for them.]

B.—PUBLICATIONS BY SOCIETIES.

1.—*The New Testament of our Lord and Savior Jesus Christ.* The Common English Version, corrected by the Final Committee of the American Bible Union, Second Revision. New York: American Bible Union. 1869. Octavo, pp. 488.

The Psalms. The Common Version Revised for the American Bible Union, with an Introduction and occasional Notes. By Thomas J. Conant. New York: American Bible Union. 1871. Octavo, pp. xxi, 211.

Las Escrituras del Nuevo Pacto. Traducción del original Griego. MDCCLVIII. Duodécimo, pp. 543.

In these volumes, we have three of the publications of the American Bible Union,—that institution, in New York, which was organized some twenty years ago, to promote the faithful translation of the Scriptures into every living tongue, that all may read in their mother tongues the wonderful works of God.

The first-named, *The New Testament*, is the New Testament as finally revised and sent out, complete. It is a thoroughly-revised version of the English text; and, in many respects, it differs from all texts, in English, which have preceded it—in none more so, however, than in the substitution of the words "immerse" and "immersion" for the ancient words "baptize" and "baptism" with which the Bible of James I. was disfigured.

With the exception of the instances named, we have seen no change which we do not conceive to be an improvement, because a clearer equivalent, in English, for the original Greek, is substituted: in the cases of "baptize," "Baptist" and "baptism," we should have preferred the simple words "Dip," "Dipper," and "Dipping," both because of their simplicity and of their striking similarity to the words used, for the same purpose, in the Scriptures of the Germans, Netherlands, Danes, and Swedes.

There is neither Introduction nor Note in this edition; and the naked text, therein, is left to fight its way into the hands of the anxious readers of the Word, on its own evident merits contrasted with those presented in the version of King James.

The second-named, *The Psalms*, is also a revision of the ordinary English Version, rather than a new translation. No other changes have been made than those which were necessary to the clear expression of the sense of the original; and in those cases the true sense of the Hebrew has been given with as little change as possible of the familiar phraseology of the ordinary version. The form employed is the poetical form of the original; and the text is preceded with a

carefully-constructed Introduction; and brief Notes, illustrative of the text, accompany it, throughout the volume.

Of the fidelity of the revision, we can write only as the publisher of other opinions than our own: it seems to have commanded the earnest respect of all whose judgment in the matter is worthy of attention, whether in America or Europe; and it must, therefore, be found useful, both to the scholar and to the ordinary reader.

The third-named, *El Nuevo Pacto*, is a new translation of the *New Testament* into Spanish. It is represented, by those who are well versed in that tongue, to be a version which possesses unusual merit, both because of its elegance and its fidelity; and the great favor which it has met, both in Europe and America, from those who are best able to determine its character, certainly seems to confirm that judgment.

All these volumes are printed with great care: *El Nuevo Pacto* is truly an elegant one.

2.—*First Annual Report of the Board of Trade of Cincinnati, for the commercial year ending January 1, 1870.* Cincinnati: 1870. Octavo, pp. 128.

If we understand the matter correctly, this Board of Trade is not a substitute for the old Chamber of Commerce, but a newly formed Society in the interest, more especially, of manufacturers, and moving parallel and harmoniously with the other.

This is its first Annual Report; and it certainly seems, as far as we can judge, to be a very creditable one. Its attention seems to have been largely, if not principally, devoted to the Railroads and Canals of the country, to a Convention for the promotion of Trade, and to an Industrial Exposition, in Cincinnati; and on all these subjects, as well as on the coveted "Direct Trade with Europe,"—of which we were wont to hear so much, from the South, years ago—we find Reports in this volume. Elaborate Tables, illustrative of the Manufactures of Cincinnati, in 1868 and 1869; in 1840, '50, '60, and '69; and compared with those of other cities; of Manufacturers, by classes; of Imports and Exports, 1868 and '9; of the same, in 1869, when compared with those of St. Louis and Louisville; of Receipts and Shipments of Grain and Flour, 1869; of Steamboats, Barges, and Canal Boats, enrolled, 1869; of Steamboats inspected and licensed, 1869; of the Trade of the several towns on the Ohio-river, 1869; of the Railroads and Telegraphs of the State; of the taxable property, rates, and revenues, in Cincinnati, 1830-1869; etc., etc., follow; and a list of members, the By-Laws of the National Board of Trade, and several other documents close the work.

There can be no more important volume, con-

cerning a specified locality, than one which illustrates its local industry and the trade which it carries on with other localities; and we welcome all such works, unwelcome as they are to others, as among those which are most useful as well as most interesting.

3.—*Constitution and By-Laws of the West Va. Historical Society. Organized December 30, 1869.* Morgantown: 1870. Octavo, pp. 8.

Circular of the West Virginia Historical Society. Broadside.

We welcome this newly-formed Society into the sisterhood of associations devoted to the cause of American History, and bespeak for it the friendship of those which are older and stronger than itself.

We do not know how much interest there is felt in the subject to which this young Society has dedicated its efforts; but we hope its labors will be productive of a growing respect for the Past of the Republic as well as for that of other portions of the world.

The library of the Society, we believe, is at Morgantown.

4.—*Twelfth Annual Statement of the Trade and Commerce of Milwaukee for the year ending December 31, 1869.* Compiled for the Milwaukee Chamber of Commerce, by William T. Langson, Secretary. Milwaukee: 1870. Octavo, pp. 106.

What we have said, already, concerning the importance of this class of works, is perfectly applicable to this—it is a perfect picture of the business and business-men of the city of Milwaukee, for 1869; illustrated, in detail, by masses of figures relative to almost every branch of trade and every object of commerce.

It is illustrated with an elaborate railroad-map, on which are laid down, in bold, black lines, the various railways which may be said to terminate in Milwaukee, while those which may be said to terminate elsewhere are not as distinctly defined.

The volume is very neatly printed.

5.—*Statement of the Trade and Commerce of Buffalo, for the year ending December 31, 1869. With comparisons of previous years; together with important commercial statistics and statements.* Reported to the Buffalo Board of Trade, by William Thurstone, Secretary. Buffalo: 1870. Octavo, pp. 152.

Another of the annual contributions to the literature of Commerce of which we have already spoken, and by no means the least important.

It is a carefully-written Report, by a well-posted business-man; and its teachings and its suggestions are as honorable to him as they are important to the State and her Metropolis.

The general plan of the work is that which is ordinarily followed; and it is as stoutly supported by masses of figures as can be reasonably desired, by any one. It is, in short, a minute exhibit of the Trade and Commerce of Buf-

falo, during 1869; and when the importance of Buffalo to the every day life of New York City shall be considered, the importance of this volume will be very evident.

It is very neatly printed.

C.—PUBLIC DOCUMENTS.

6.—*Iowa: the home for Emigrants*, being a treatise on the resources of Iowa, and giving useful information for Immigrants and others. Published by order of the Iowa Board of Immigration. Des Moines: 1870. Octavo, pp. 96.

Iowa: Het Land voor Emigranten, zijnde een verslag over de hulpbronnen van Iowa, en gevende nuttige informatie met betrekking tot den Staat, ten behoeve von landverhuizers en anderen. Uitgegeven op last van de Iowa Commissie van Emigratie. Pella: 1870. Octavo, pp. 119.

Iowa: Die Heimath für Einwanderer, Eine Ubhandlung uber die Hulfquellen Iowa's, enthaltend Werthvolle und nutliche Unfarungen in Betreff des Staates, für Immigranten und Undere. Beroffentlicht auf Unordnung der Immigration-Bord von Iowa. Des Moines: 1870. Octavo, pp. 104.

We have received from the excellent Secretary of the Board of Immigration, the above three tracts which he informs us compose an entire series of the documents which Iowa has, so far, printed for the promotion of emigration to her territory; and we have pleasure in recognizing, in them, three valuable handbooks concerning the history, geography, geology, agriculture and horticulture, education, State-institutions, railroads, lands, etc., of that flourishing young State. Indeed, they form a perfect picture of the present-day condition of Iowa; and such an one, as, a few years hence, will possess the greatest interest to every one who shall desire to learn of the past of that State, in her earnest advance to greatness.

It will be seen that Mr. Fulton's excellent handbook has been presented in the English, Dutch, and German languages.

7.—*State of New York. The University Manual*, 1870. Albany: Weed, Parsons & Co., 1870. Duodecimo, pp. xxii, 295.

There are very few works, of a public character, which are more important, for reference, than the *Manuals* which, year by year, are issued by the Legislatures and other public bodies in the several States; and yet how few there are who seem to care for their preservation.

The volume before us is the *Manual* of the Regents of the University of this State—that venerable and useful, but yet little understood, body, whose origin and particular duties so few are acquainted with, and fewer yet care to ascertain.

It contains the laws respecting the organization and powers of the Board; those concerning the incorporation of Colleges, Academies and Select Schools; those relating to the Trustees of those institutions, their Annual Reports, and the distribution of the Public Monies; those relating to Normal Schools, the State Library, the State Cabinet, the Law Libraries and Li-

braries of Courts, and those relating to the State Records; together with the Ordinances of the Board, lists of Regents, etc., etc.; and it will be seen how useful it is to every one who desires to know of the educational and literary institutions of this State and of the laws and authorities which control them.

The volume is very neatly printed; and it is accompanied with an elaborate Index, the usefulness of which is known to every one.

D.—TRADE PUBLICATIONS.

8.—*The Life of Bismarck, private and political; with descriptive notices of his ancestry*. By John George Louis Hesekei. Translated and edited, with an Introduction, Explanatory Notes, and Appendices, by Kenneth R. H. Mackenzie, F. S. A., F. A. S. L. With upwards of one hundred illustrations by Diez, Guinin, Pietsch, and others. New York: Harper & Bros. 1870. Octavo, pp. 491. Price, \$3.

In this volume, we find what seems to be a very complete account of the private and political career of the great Prussian statesman, Carl Otto Edward Leopold von Bismarck-Schönhausen, Count, Major-general, and Minister-President of the Kingdom of Prussia, and Chancellor of the North German Confederation. The work is subdivided into five Books, with Appendices, containing "Bismarckia" and the fundamental laws of 1847, besides the National Song, *Ich binein Preusse, keunt ihr meine Farben*—"I am a Prussian! see my colors gleaming," etc.

The style of the English translation and transposition is, like the German original, compact, almost crude, like the man it represents; and, as a biography, it is rather too detailed and too minute to be digestible for an American reader.

In the Editor's Preface to the English edition, we meet with that constitutional liberalism which characterizes a loyal Englishman, and with that sympathy for a great politician, diplomatist, and statesman, which makes the writer turn sharply on the critic in the *Edinburgh Review*, wherein the personal amenities of the Minister President, are not duly acknowledged. Be this as it may, Bismarck, the man of blood and iron, has made his mark, strong and powerful, for now and forever; and, whether his private character be more brusque and plucky than suave and tender, cannot shake the work already accomplished and the result already acknowledged. To be successful, now-a-days—to steer the Ship of state through the stormy waves of Revolution and war—to avoid breakers ahead and break heads that are behind, demands rather the character of a stern realist than that of a very scrupulous philanthropist.

In the First Book, the learned Doctor leads us back to the ancestors of Bismarck, into the so-called "Alt Marck," a tract of land bordering on the river Elbe, and intersected by the

little river Biese, where the village of Bismarck can be found, to-day. It is, says the author of the book, "an old and famous place, for, South of the town, stands an ancient tower, known as 'the Bismarck louse.' Tradition states that 'the tower received its name from a gigantic louse (!) which inhabited it.'" Here we stop, and offer a substitute, in the form of an old miser, afeudal Lord of the Thirteenth Century, whose stitching, biting, and grasping proclivities were exceedingly disagreeable to the wretched serfs who were subject to his Lordship's control.

As to the origin of the family, and the name of the Bismarcks, the author says, page 32: "Bismarck does not, as some assert, derive its name from the Biese, because, in the year 1202, when it is first mentioned in the records, 'it is called '*Biscopsmark*' or '*Bishopsmark*,' afterwards corrupted into '*Bismarck*.' It belonged to the Bishops of Havelberg, who erected a fort here, as a defence of their Mark, on the frontiers of the Sprengels of Halberstadt. From the little town, the noble family of Bismarck has its name. It is a tradition of later times, by no means historically confirmed, that the Bismarcks were a noble family of Bohemia, settled by Charles-magne, in the Alt Mark, and the founders of the town of Bismarck, which received its name from them." "As groundless is the tradition of the Wendic descent of the Bismarcks. According to this, the actual name of this noble family should be '*Bej-smarku*,' in the Wendic—"Beware of the Christhorn." Not very happily "as the double trefoil, in the arms of the Bismarcks, been identified with the Christ-thorn, as a proof of their Wendic descent. The Bismarcks are rather, as all the families of knightly rank, in the Alt Mark, the descendants of German warriors, who, under the Guelph, the Ascaman, or other Princes, had conquered the Slavonic lands, on both banks of the Elbe, for Christianity and German civilization, and had then settled themselves on those lands, as fief-holders." "Like many other knightly families of the Alt Mark, the Bismarcks gradually spread towards the East, conquering greater space for German Christian culture, subduing the Wends, or driving them back towards the Oder."

We must accept these definitions, although we would not find it very strange if the blood of the Bismarcks were of Slavonic-teuton origin, as the face and character of their greatest representative show rather a particular mixture of *Teutonic pluck* and *Slavonic shrewdness*, which have been so instrumental in his diplomatic and politico-military successes. Nor can we lay much stress on the controversy between the Messrs. Hezekiel and Riedel, having for its

subject the grave question whether the stock of the Bismarcks derived its name from a citizen family of Stendal or from the Castellans of the Episcopal Castle of that name, and whether the circumstance of the Bismarcks of Stendal having belonged to the Guild of Tailors, of that town, justifies the inference of their plebeian origin or not. As the American people are richly blessed with, so called, "self-made" men, and found no fault in raising an original tailor to the highest point of national honor, we would not be very apt to belittle the glories of a Bismarck, who, if not able to use the needle, has, at least, done some stupendous work with the needle-gun.

To show the *animus* of the two learned contestants, in regard to these questions, we quote page 34: "It would be almost puerile, by means of fantastic explanations respecting the races, bearing the name of Bismarck, to deprive the Minister of the rank of *Junker*, and thus claim him as a plebeian" (!!) To this expectation of the author, Mr. Mackenzie, the translator, adds the following remark: "This rank, in Germany, and especially in North Germany, is held to be noble. We have no corresponding title, in English; it is higher than Esquire, but not exactly that of a Knight or Baronet. Perhaps it corresponds to Honorable."

"How inexpressibly rich for His English Honorableness!" *Junker* is not a rank, but a surname. Nor exists that species of humanity, under that name, anywhere in Germany, except in the Northern part. *Junker* is the prototype of a nobleman, raised on bonded estate, representing, in a political sense, a mixture of Southern chivalry and Northern Hunkerism; and the title cannot, therefore, be accepted either as a great compliment or as a special mark of honor. If Bismarck had remained a true *Junker*, he never would have attained the height of a European statesman.

To our own satisfaction, and, probably, that of our readers, we find the family of the Bismarcks is from a strong and racy stock, rightfully endowed with the title and emoluments of nobility. Divided into different branches, the numerous members of the family exercised a considerable influence, in Germany, during the Middle Ages; holding many different offices under Church and State; and acting as faithful Knights and servants to their superiors.

One, "Rule of Bismarck," seated at Stendal, deserved well of his town as one of the founders of the Common School, in spite of the heavy opposition from the Church. It is even said, that he died under the ban of the Church, which would be a pretty sure argument for his energetic character and reformatory spirit. His son, Claus von Bismarck, on the other side, was

remarkable for his political assiduity and his contest with the democratic party of Stendal, while he, himself, was a member of the "aristocratic" Guild of Tailors. The latter being worsted, Claus became an exile, but was soon rewarded by the Margrave with the Castle of Burgstall, (1345); thus the Bismarcks entered the first rank of the nobility of the Alt-Mark, as Castellans, "or Castle-holders." As a matter of course, the cavaliers of Burgstall were very fond of manly sports, especially hunting: so was a certain Prince, the Margrave John George, their neighbor and higher Lord. Things were, therefore, so managed by the latter party, that the Bismarcks were pressed to a permutating or swapping process, by which John took possession of Burgstall, whilst one branch of the Bismarcks had to accept Schönhausen and Fishbeck (1563), whence arose the title of "Schönhausen," as an affix to that of "Bismarck." In spite of this swapping process and the diminution of their fortunes, the Bismarcks remained a "considerable" family: and not a few of their members, besides the present Minister, gained high positions and extraordinary distinction, especially as soldiers and diplomatists. Ludolph von Bismarck-Schönhausen fought as a Captain against the Turks; his second son, August, participated in the battle of Nördlingen, in 1640, and died as a Colonel, in the Elector of Brandenburg's Army. August Frederic von Bismarck "met a hero's death," as Colonel and Commandant of the Regiment of Anspach-Baireuth Dragoons, in the year 1742, at the Battle of Chotusitz; and Ludolph A. von Bismarck, after many adventures, rose to the position of a General, in the Russian Army. He died in 1750, at Pultawa. In the year 1783, F. Wilhelm von Bismarck, afterwards so famous as a Cavalry-General of Würtemberg and as a military writer, was born. He served in England and, finally, in Würtemberg; was Ambassador to Berlin, Dresden, Hanover and Carlsruhe; and received, in 1835, an invitation from the Emperor Nicholas of Russia, to inspect his Cavalry. In 1818, he had been created a Count, by the King of Wurtemberg; and died on the eighteenth of June, 1860.

Count Otto E. L. von Bismarck's grandfather was Charles Alexander von Bismarck. He left four sons, the fourth and last, *Charles William Ferdinand*, was the father of the present Minister President. He was born on the thirteenth of November, 1771; left the service as a Captain; and was married, on the seventh of July, 1806, to Louisa Wilhelmina Menken, born on the twenty-fourth of February, 1790, and deceased on the first of January, 1839, at Berlin. Charles William died in 1845.

Otto von Bismarck was born at Schönhausen, on the first of April, 1815, and is, therefore,

now in his fifty-sixth year. He was the fourth of six children—four sons and two daughters—of whom the eldest was born in 1807 and the youngest in 1827.

The youth of Bismarck is described, in the Second Book. His earliest days, however, were not passed at his ancestral estate, in the Alt-Mark, but in Pomerania, whither his parents had removed, in the year 1816. By the decease of a cousin, they had succeeded to the knightly estates of Kniephof, Jarchelin, and Külz, in the Circle of Vraugard. At Kniephof, where his parents took up their residence, Bismarck passed the first six years of his life; and to Kniephof he returned, in his holidays, from Berlin, so that the Pomeranian estate of his parents may be regarded as the scene of his earliest sports.

When, after his father's decease, in 1845, the Minister President took Schönhausen, Jarchelin was surrendered to the elder brother. Kniephof was retained by Count Bismarck, until 1868; when, after the purchase of *Varzin*, it passed into the possession of his eldest nephew, Lieutenant Philipp v. Bismarck.

About the Easter of 1821, Otto von Bismarck entered the then renowned school of Professor Plamann, in Berlin. There he remained until 1827, when he left it to pursue his more classical studies at the Frederick William Gymnasium. At this time, he laid the foundation of his knowledge in English and French, which he subsequently brought to perfection. As a characteristic trait, we quote the following, from page 116, "*He also got into many disputes with the French Professor and learnt English in an incredibly short space of time, in order not to be submitted to the test of the French Professor.*"

From this, it seems that his predilection for "French Professors" has not increased with his years; although his perfect understanding of the finesses of "French can not be denied."—"He even, at that time, exhibited a marked preference for historical studies—especially that of his native Brandenburg, Prussia, and Germany. Here he laid the foundation of his eminent historical attainments, afterwards so formidable to his opponents in parliamentary discussion. The style of his Latin Essays was always clear and elegant, although, perhaps, not, in a grammatical sense, always correct. The decision on his Prize Essay of 'Easter, 1832, was: *Oratio estlicuda ac Latina, sed non satis castigata.*' The language is clear and Latin, but not sufficiently polished."

Bismarck was not seventeen, when he entered the University at Göttingen; nor did he possess that imposing stature and those marked features which characterize, him, now-a-days. As his biographer says: "his stature was thin and graceful; his countenance possessed the brightness of youthful liberality; and his eyes

"beamed with goodness." Bismarck has inherited his tall stature from his father, "who, with his fine presence and cultured manners, had been a personage of most aristocratic appearance." A veritable student he was—with all the accomplishments and appurtenances, so common to the high and gay life of a German University—dressed in high boots, short blouse, and "service" cap, armed with spurs and whip, pipe and rapier, singing and drinking, riding and swimming, "posting" and duelling, enjoying all the sports of vigorous, spouting youth, let loose on an "elegant" three years' spree. In 1835, he abandoned University life; passed his examination; and was appointed an Auscultator or Examiner in the Police Court of Justice, at Berlin. It was in this city that he met Prince William, now King William, for the first time. Bismarck was introduced to the Royal Prince, in company with a certain Herr von Schenk, who was as tall as Bismarck and also a legal official. Looking at the two stately forms of these youths, Prince William said, jokingly, "Well, Justice seeks her young advocates according to the standard of the 'Guards.'"

In 1836, Bismarck changed the Department of Justice for that of Administration; and went to the Crown Court at Aachen, (Aix la Chapelle). Here he associated much with Englishmen, Frenchmen, and Belgians; and, in their company, made several excursions to Belgium, France, and the Rhenish Provinces. He was especially the favorite of the English, as they were delighted by finding in him an amiable gentleman, possessing a perfect mastery over their language. These connections, however, "got him into many scrapes"—he quitted Aachen and was transferred to the Crown Office at Potsdam, in 1837. The year following, he entered a Battalion of Jägers, to fulfill his military duty; and was soon transferred, again, to another Battalion, of the same arm, stationed at Greifswalde. In 1839, he entered on the administration of his Pomeranian estates (Kneiphof) where he is said "to have fought chivalrously" against his manifold troubles and vexations, by a strange mixture of wild revelries and earnest studies in history, theology, and philosophy. The less real pleasure he had in this career, the worse it became, so that he earned a fearful reputation among the old ladies and gentlemen, who predicted the moral and pecuniary ruin of "Mad Bismarck." Roving around, on horseback, writing letters, and reading books, or treating his friends with the best champagne he had, the Junker's seat of Kneiphof very soon took the character of a "Kneiphof," i. e. a jolly "treating" establishment, known, "far and wide in the land."

But Bismarck was only mad when shut up in a Pomerian cage, playing Ulan or officiating as a Dyke-Captain (Canal Superintendent). By-and-bye, this solitary Junker's life was changed into that of a good husband (1847). Whilst on a pleasure-trip to Italy, with his wife, he met King Frederick William IV., at Venice, and was at once "commanded" to attend at the royal dinner-table; and his royal master conversed with him, for a long time, "in a gracious manner," particularly concerning German politics. In fact, from this time, Bismarck rose, step by step, until he reached the very climax of political influence, position, and power.

How Bismarck rose gradually from a Pomeranian Junker, a Lieutenant of Ulan, and a Dyke-Captain, to the rank of Minister President and Chancellor of the North-German Confederation, is related in the Third, Fourth, and Fifth Books, to which we refer. There we find him as a Representative in the United Prussian Diet at Cologne, resisting the spirit of liberalism which had grown up in Germany before the revolutionary outbreak of 1848; then, again, in that same Assembly, in the Spring of 1848, as one of the defenders of Conservatism against Revolution; in 1849, as a member of the Second Chamber of the Prussian Diet, speaking against the adoption of the Constitution framed by the German Parliament at Frankfort and adopted in the Prussian Second Chamber, by a vote of one hundred and seventy-nine against one hundred and fifty-nine; again, in 1850, at the Diet of Erfurt; then as Ambassador to the German "Bundestag," at Frankfort, in 1851; to Petersburg, (1859-'62); to Paris, (Briaritz) 1862; as Minister President of Prussia, facing the opposition and preparing his plans to meet a rupture with Austria and the old German Confederation; then at Gastein, in 1865; on the battle-field of Sadowa, in July, 1866; then at Prague; and, finally, on his splendid estate of Varzin, as "Sultan Uilem and Grand Vizier "Bi-Smarcts."

In this survey, our object has been, besides giving notice of a very literary production, to compress into as small a space as possible the more introductory part of the work and thereby facilitate the understanding of the subsequent chapters (Books 3, 4, and 5,) which are full of important facts, sparkling anecdotes, private and official correspondence, speeches, etc.

The book presents itself to the American public as a rare gift of biography and contemporaneous history, well worthy of being bought, read, and studied. In its form and print, and, with its masterly-executed illustrations, it deserves our fullest acknowledgement and praise.

F. S.

THE HISTORICAL MAGAZINE.

Vol. VIII. SECOND SERIES.]

AUGUST, 1870.

[No. 2.

I.—A JOURNAL OF A VOYAGE TO ALBANY, ETC., MADE BY ABRAHAM LOTT, TREASURER OF THE COLONY OF NEW YORK. 1774.

COPIED VERBATIM, FROM THE ORIGINAL IN POSSESSION OF HIS FAMILY.*

[*Inside of Cover.*] 1774, July 19—

Send Jacob C. Ten Eyck Esqr of Albany a Chest of good Bohea Tea.

Send Gerardus Beekman of Albany a Chest of good Bohea Tea.

[*Page 1.*] Treasury office New York
Rec^d of Esqr^s Loan offic^s for
County Pounds Shillings, being in
full for the *Third* years Interest money on the
Sum of Pounds put out on Loan in the
said County; the said Loan-officers having de-
tained in their hands the sum Allowed them by
the Loan-office Act, for their Services.

A. L., Tr.

| | | | |
|--|--------------|--------------|---------|
| Anno 1773—Albany paid viz ^t . | | | |
| 1773 Aug. 10 th | £510 . 2 . 4 | Put out | £20,000 |
| Sept. 6 th | 260 . 3 . 6 | | |
| do 11 th | 120 . 6 . 1 | | |
| do 24 th | 47 . 1 . 3 | | |
| | 937 13 2 | | |
| | 2 6 10 | remains due. | |
| | £940 0 0 | | |

1774, July 19th, Rec^d the above Ballance in Albany £2 . 6 . 10.

[2] *Memorandums, relating to my voyage of Albany viz—*

1774 JUNE 22^d Left my House at 3 o'Clock and went on board of Capt. Joachim Staats

* We are indebted, for this interesting Journal, to our valued friend, C. C. Dawson, Esq., of New Jersey.

The numbers in brackets indicate the pages of the original manuscript.

[*sloop*] in Company with Wm McDougall Esqr. of St. Croix, Commodore Grant and Capt. Thomas White—

Sailed from the Kings wharf at the North River at a Quarter before four o'Clock P. M. with the flood & a Southerly Wind—Supped about Sundown opposite to Tappan, and the Wind failing & the Tide coming Against us came to an anchor at *Verdrietige Hook*.* where we went To Sleep—

THURSDAY JUNE 23^d This morning the Wind being against us could not make Sail till 8 O'Clock, when we weighed Anchor and proceeded on our Voyage—

Mr McDougall came on board much afflicted with the Gout, but as he got a Comfortable Sleep yesterday [3] and also Slept very well in the Night he found himself much better—

At 12 o'Clock we got at the entrance of the Highlands, it being then high water; but luckily a fresh Southerly Wind took us, w^{ch} carried us against Tide to opposite the old Landing at Poughkeepsie, where we sent on Shore at about 6 o'Clock P. M. and got some Milk of Mr. Paul Schenk, after which, drank Tea, and continued under Sail from thence, with the flood in our favor, and at about 1 o' Clock in the Morning came to an Anchor opposite the Manor of Livingston†—

We had a good deal of Rain from 4, o'Clock in the Afternoon till 4 o'Clock the next morning—

Mr. McDougall was much worse this Day & the following Night, owing to the Southerly wind & Rain: he had an exceeding painful Night of it, with the Gout in both feet & Right hand; however he found himself easier in the Morning—

* *Verdrietige's Hook*.—The bold headland, on the West bank of the Hudson, two or three miles North of Nyack, and known among the old people, in that vicinity, as *The Hook Mountain*. It is a spur of the Ramapo Range which extends along the Northwestern border of Rockland-county; and has always been a notable landmark among the skippers on the North-river.

† *Manor of Livingston*.—Clermont, Columbia-county, where the seat of that ancient Manor is. The "Colonel Livingston" referred to was, probably, Colonel Henry B. Livingston, subsequently of the Army of the Revolution, a brother of the Chancellor.

FRIDAY JUNE 24th The wind being at N. W. & the Tide against us could not proceed till the Flood made—

[4] In the Interim Commodore Grant went on Shore at Col. Livingston's at ab^t 7 o'Clock in the Morning, and returned shortly after with the Colonels compliments to the Passengers, requesting their company at Breakfast: The company returned their thanks, being all Invalids, & therefore could not accept of his kind invitation—The Commodore however went & took Breakfast with Mr. Livingston

Here we overtook Capt. Groesbeeck who left New York Ten Hours before us with Several Gentlemen of the Law, on board, in order to Attend the Supreme Court at Albany, which is to begin, there on Tuesday the 28th Instant—

About 9 O'Clock, Commodore Grant returned on board with a fat Sheep, being a present from Col^o Livingston to some poor people lately Arrived from Scotland, wth intent to Settle Some part of this Country w^{ch} was a Seasonable relief to them

About 10 'Clock weighed Anchor & beat it up against Tide to a little about Kinderhook Creek, where the Tide came against us & obliged us to come too.

[5] Here the Captain of the sloop went on Shore at the House of Joh^s Staats within the bounds of Kinderhook, and brought on Board some Bread, Eggs & Milk;—

About 2 O'Clock in the Morning we got under Sail Again, and at o'Clock on SATURDAY MORNING JUNE THE 25th came to an Anchor at Coejeman's,* opposite to the House where Mr. Anthony Ten Eyck now lives—Mr. Ten Eyck being informed who was on board of the Sloop by my Boy Pompey, sent his Compliments and desired the Company to Breakfast with him; Commodore Grant, Capt. White, and myself went on Shore & Breakfasted with Mr. Ten Eyck, Mrs. Ten Eyck & family, who were all very well except Mr. Ten Eyck, who laboured under a severe fit of the Piles, and appeared to be otherwise much indisposed.

We were made very Welcome here and were supplied with Salad & Parsley, and Milk, and indeed we [6] were offered everything we might stand in Need of, to Eat on board.

At About 1 o'Clock P.M. we weighed Anchor, and with a very light Southerly wind got up to the *Hooge Bergh*, at about 8 o'Clock;—

Commodore Grant & self went on Shore here, at the House of Joachim Staats, we found the family Well & were kindly received by them & were pressed to take a Bed—

At Nine we returned on board, when the Commodore & Capt. White resumed the Game of

Piquet (at w^{ch} they had been engaged in the afternoon) and by Ten o'Clock, left off, when Mr. White was 12 Games ahead—

We then went to Bed, and at about o'Clock, on

SUNDAY MORNING, JUNE 26th weighed Anchor, and there being no Wind & but a very Scanty flood were under a Necessity of make use of Oars to get forward.

[7] Mr. McDougall, was very Poorly all yesterday & the Night before, both with the Gout & a Smart Hot Fevir; But on this Morning found himself much easier having had a comfortable Sleep all Night—

About 8, o'Clock A.M, there being no Wind, and the Ebb coming against us, were obliged to come too Again, about 2 miles above the *Hooge Bergh*—Here we Eat Breakfast, after w^{ch} Commodore Grant & Self (about 9 h. A.M.) set off in the Canoe of the Sloop, and paid a Visit to the Widow Schuyler, living about 4 Miles below Albany, who appeared to be very glad to see us; the House is New & not quite finished, owing to the untimely Death of Capt. Cortlandt, but the Situation is very pleasant on the Bank of the River—At about half past ten o'Clock, left Mrs. Schuyler and proceeded Up the River till we came to the House of Mr. Henry Cuyler, Situated on the East Bank of the River, about a Mile & an half from the City of Albany—Here we went on Shore, and found Mr. Cuyler [8] and his Lady both at home, who insisted on our Dining with them, w^{ch} we accordingly did, and remained with them till 5 O'Clock P.M.—when he sent us with his Chair to the Ferry, in our way to w^{ch} called at Col^o. Rensselaer's at Green Bush, but did not find them at home—

We then Crossed over the River, and got into Albany, where I was immediately met by a Number of my old acquaintances and bid welcome

I first went to the House of Rich^d Cartwright Inholder, and then Engaged Lodgings for myself, at the House of a Mr. Hilton, and for Mr. White & Mr. McDougall I took Lodgings at the House of Mr. Bloodgood, opposite to Mr. Cartwrights—

After which several of my friends called upon me, and at 10 'clock went to Bed at my Lodgings—

MONDAY, JUNE 27th having been a good Deal fatigued Yesterday, did not rise till 8 O'Clock A. M.—went immediately to Mr. Cartwrights, wrote a Letter to Mrs. Lott by Capt. Santvoort, gave her [9] An acc^t of my Arrival, &c—while I was writing, I was told the Sloop was Arrived with Mr. White & Mr. McDougall, upon w^{ch} Sent my Compliments to Col^o. Schuyler, requesting the Loan of his Chariot to bring up Mr. McDougall

*Coejeman's.—Coeymans's, a well-known landing, in Albany-county, on the West side of the Hudson.

from the Sloop to his Lodgings; w^{ch} he Accordingly Sent down & brought that Gentleman to his Lodgings where he got at about half past 9 A. M. & much better than when I left him, his fever & Gout, being in a great measure gone off

Not being able to get my Shoes on, I bespoke a Pair to be covered with black Cloth—my Gout still easy—

10 h. A. M. bespoke a Dinner at Mr. Cartwrights for our Company & asked Col. Schuyler to Dine with us—

2 h. P. M. Dined at Cartwrights in comp^a with, Ph. Livingston, Mr. Kissam, Cap^t White and Commodore Grant—

8 h. P. M. rec^d an Invitation to Dine wth Col^o. Schuyler, but being pre-engaged could not—

9 h. P. M.—Left Mr. McDougalls Lodgings he being much better of the Gout & fever.

TUESDAY, JUNE 28th—Rose at 6 o'Clock this morning—between 7 & 8, went over to my Companions, found Mr. White very well, and Mr. McDougall, surprisingly altered for the better, being totally clear of the fever, and very little Gouty Pains—

Breakfasted with these Gentlemen—

—8 h. A. M. Rec^d a Letter by Mr. Kearney from Col^o Jas. Robertson of New York inclosing an acc^t of his demands against Th^o Wooldredge Esq^r desiring a Settlement thereof.—The Letter is dated New York June 22^d 1774—immediately upon w^{ch} rec^d an answer—

Dined this Day with Dr. Van Dyke in Company with Dr. Rodgers* & Lady Dr. Westerlo †; Col^o Livingston & E. Boudinot ‡ Esq^r. of Eliz^a Town & Lady—Here I also drank tea—

Spent the Evening with Mess^{rs} White and McDougall—the Latter much recovered—at 10 o'Clock left them & went to Bed—

WEDNESDAY, JUNE 29th—This morning had three people with me to buy Lands in Clifton Park §—agreed with Nicholas Johnson of Beek-

* Dr. Rodgers.—Probably John Rogers, D.D., Pastor of the Presbyterian-church in Wall-street, New York city, as there appears to have been no Minister of that name in the Reformed Dutch Church at that time. He died in 1811.

† Dr. Westerlo.—Eilardus Westerlo, D.D., was educated at Groningen, and served the Church, in Albany, from 1760 until 1790, when he died.—Cowen's *Manual of the Reformed Dutch Church*, 16.

‡ E. Boudinot, Esq., of Eliz^a Town.—President of the Continental Congress and a member of the House of Representatives after the Constitution was established. He was the first President of the American Bible Society; and died in 1821.

§ Clifton Park.—then, probably, a portion of the District of Half-moon, in Saratoga-county.

The Patent of "Clifton Park" or "Shannondhol," in which these lands were situated, was originally granted to Messrs. Fort, Ryckse, Quackenboss, and Bratt, on the twenty-third of September, 1708; but, from this entry, it appears that Mr. Lott was, subsequently, also a Proprietor.—Hough's *Gazetteer of New York*, 587.

man Precinct in Dutchess County for Lot No. 3 in Lot No. 32 in the 3^d Allotment of the Patent—containing 42½ acres—on the following terms, viz^t: He is to give 24/ p^r Acre, one half is to be paid To-morrow, for w^{ch} [11] He is to give his Bond with Sufficient Security payable the 1st day of May next with Lawfull Interest till paid—For the other Bond he is also to give Bond with like Security payable the 1st July, 1775, without Interest—He is to Send the Bonds to Mr. Tho^s Hun of Albany to whom I am to Deliver the Deeds to be Exchanged for the said Bonds.

Abraham Buys wanted to buy Lot No. 1, in lot No. 24, in the 4th allotment of the said Patent g^t 145 Acres—I offered the Same to him at 18/ p^r Acre, payable on the above conditions—He is gone to view the Lands, as also two other Lots and is to give an answer in a Day or two.—

One Mr. Peters from Philipsburgh also wants a Lot of Land in the above Patent but has not fixed on a particular Lot.

—9 h. A. M. Breakfasted with Mr. G. Beekman, who made me promise to Breakfast with him every Day—

Called upon my fellow Travellers & found Mr. McDougall much better; he & Cap^t White had an Airing in Col^o Livingstons Chariot, w^{ch} tho' Short, proved of use.—

[11*] Dined with my companions at their Lodgings, in comp^a with Rich^d Morris Esq^r—

6 h. P. M.—went to the Dutch Church to hear Dr. Rodgers Preach in English—His Text was Hebrews 12th 2^d verse, first part.—

Supped with Mr. Beekman; after which called upon my Companions, and at 10 o'Clock went to Bed.—

THURSDAY JUNE 30th Slept very well last night—got up at 5 o'Clock; made out Mr. McDougall's money acc^t—and at 6 O'Clock called upon him & paid him the Ballance—at Seven Breakfasted with my Companions & at about a Quart^r before Eight O'Clock they left their Lodgings & Set off for the Bath, having hired two Wagons to carry themselves & Baggage

Mr. Cartwright brought in his Acct. amounting to £3. 3. 0—my † of w^{ch} is 21/—with w^{ch} I desired him to Charge me—

At 9 h. A. M. Mr. James Dole called upon me, and paid the Duty on 47 hhd^s Rum imported in the Sloop Middlesex Rob^t Castle from Antigua, and gauged

5198 out 205

205

4993

500

4493 Gals Net a 2^d £37.8.10

for payment of w^{ch} the said Castle gave his

* Misspaged, there being two of this number,

† Probably the Lebanon Springs, as we shall see, hereafter.

Bond, wth on my return must be cancelled.—
[12] Dined with Col^o Schuyler in company with Mr. Smith, his Lady & Gou^r Morris;* The latter of whom Spent the Evening with me at my Lodgings—

FRIDAY, JULY 1st At 8 h. A. M. M^r G. Morris & Self went to Schenectady in Chair; got there about 12—Dined at M^r Clinch's (a good house of Entertainment) at 2 h. P. M. in Co. wth the Rev^d M^r Monro, Missionary at Albany† At three O'Clock left Schenectady and took the Road leading thro' *Connistigeone*, w^{ch} is a fertile Vale on the Banks of the Mohawk River Settle[d] with Substantial farmers—The Wheat, Ind^a Corn, Pease, Flax, Hemp Grass, and in Short every thing the Earth produced, grew here in the most luxuriant manner—great part of the Upland from this Vale, across to Hudson's River also produced Excellent Crops of every kind—So that upon the whole we had a most agreeable Ride from Schenectady to Mr. Minifie's on the Banks of Hudson's River about 5 Miles above Albany—Here we got about 5 o'Clock—Supped—and Lodged very comfortably—

[14] SATURDAY JULY 2nd Arose at 6 in the morning—left M^r Minifies at 7, and got in Albany a little before 8—took Breakfast at the Widow Vernon's at the Sign of the *Kings Arms*, with G. Morris—With whom afterwards Consulted about the Lands claimed by the Heirs of A. Coejemans—

About 10 h. A. M. Mess^{rs} J. & Anthy Ten Eyck called upon me, & shewed me their acc^{ts} as Ex^{rs} of Sam^l Coejemans dec^d—professed great friendship & promised to Shew every paper they are possessed of relating [to] their claim to the Estate of Sam^l Coejemans dec^d—

Dined with the Gentlemen of the Court at Cartwrights—at 4 h. P.M. went over to Green Bush & Drank Tea at Col^o Rensselaer's, found the family all well—

Returned in the Evening, paid a Visit or two—& Supped with Several Gentlemen of the Court & c^a at Cartwrights where I continued till about half an hour after Eleven, & then went to Bed—

[14] SUNDAY JULY 3^d 1774—Arose about 8 h. A. M.—Took Breakfast at my Lodgings—at 10 went to Church & heard the Rev^d Mr. *Westerlo* Preach, on Romans 8th & 12th—& made a very excellent Sermon—

—Dined with M^r Beekman—went to Church again in the Afternoon & after Church drank Tea at M^r Beekmans, with the Rev^d Mr. *Westerlo* & his Consistory—

* Gouverneur Morris, of Morrisania.

† Rev. Harry Monro, subsequently so well known from his connection, by marriage, with the Jays and DeLanceys of this State.

—After Tea paid the following Visits—To M^r Swits, M^r Jn^o Barclay & Mr. John Beekman—and then returned to my Lodgings—N B—Yesterday Saw M^r A Duryee, who left New York on Tuesday last, and left my family well—Also called upon M^{rs} A R Lott who left New York the Same Day as M^r Duryee—She appeared very weak—

MONDAY JULY 4th Wrote Mrs Lott, Ph. Lott & James Abeel—Breakfasted wth M^r Beekman—after Breakfast Mr. Jer. Rensselaer & M^r Jessop called upon me, and informed me that there were people who would buy Lands w^{ch} the said Rensselaer petitioned for on Sacandaga River* for 3/ an Acre & pay me Patent fees—w^{ch} I agreed to Accept of, as did M^r Banyar† [15] who I afterwards Spoke to on the Subject—Proposed to M^r Rensselaer to run out the Claim of the Heirs of A. Coejeman's under their Patent of Anno 1673—he replied he could not do it himself but would give me an Answer to morrow

Had some farther conversation with Anth^y Ten Eyck, about the Estate of M^r. Sam^l Coejeman's dec^d but Nothing final was done

Dined at Cartwrights with M^r. Low M^r. Duryee & Several Gentlemen of the Law—at 4 h. P. M. went wth Dr. Van Dyck to pay a Visit and drink Tea at old M^r. Dow, at *Wolf Hook*. The old Gentleman (aged 82.), was exceeding glad to see me, and offered me the use of his house as long as I Stayed in these parts—

Returned to Albany in the Evening—Supped with Ab^m Yates Esq^r.—and went to Bed at 11 h. P. M.—

TUESDAY JULY 5th—Eat Breakfast at M^r. Beekman—Where I also Dined

M^r. Rensselaer delivered proposals for Running out Coejemans old Patent amounting to £203.10.0.

Engaged to Dine wth H Cuyler Esq^r. to Morrow

[16] All the afternoon I employed in Visiting my friends and Acquaintances who all appeared to be glad to see me—Went to Bed at 10 'Clock at Night,—

WEDNESDAY JULY 6th—Took Breakfast with M^r. Beekman—made some Enquiry about Coejemans Claim—at 12 o'Clock crossed the Ferry, took a Ride in the Sulky to Mr. J. Staats's at the *Hooe Bergh*, who was not at home—returned to M^r. Cuylers where I dined wth M^r. Banyar & two of the M^r. Glen's,‡ and also drank Tea—

* Sacandaga-river rises in Warren-county, and after running a very crooked course, it empties into the Hudson, in the town of Hadley, Saratoga-county.

† Goldsborough Banyar, the Secretary of the Province, who, also appears to have been in Albany, at that time.

‡ The M^r. Glens, referred to, in the text, were, probably, the gentlemen of that name who were the proprietors of Glenville, on the North bank of the Mohawk, in Schenectady-county.

Left his house towards Evening—Called at Col^o Rensselaers—and returned to the City—Passed the Evening at M^r Schuylers and went to Bed at 10 O'Clock—

THURSDAY JULY 7th—Eat Breakfast at M^r Rensselaers, where I also Dined with Several Gentlemen of the Law, and in the interim examined Several Dutch papers relating to the Dispute about the *Noormans Kill*—The Mansion house of M^r Rensselaer is one of the most Spacious buildings in the Country, and is very pleasantly Situated about a Mile above the City of Albany—At about 4 h. P. M. returned to Town—at five attended the funeral of a Child or [q?] Dr. Martins, who [17] is Married to a Daughter of Jacob H Ten Eyck—at about 7, o'Clock rec^d two letters from New York, one from Ph. Lott & the other from I. Abeel; the Latter informed me Gov^r Colden would give a Grant for Lands at *Secondage*, petitioned for by Jer. V Rensselaer & others—w^{ch} communicated to the Said Van Rensselaer, & M^r Banyar, interested therein who agreed to get out the Grant with all possible dispatch—

Passed the Evening at Cartwrights, with Justice Livingston,* M^r Kemp^t and R Morris, and went to Bed at Eleven O'Clock—

FRIDAY JULY 8th—Breakfasted with M^r Beekman, did a Variety of business—Dined with M^r Ten Broeck—took an Extract out of the Records from Killiaen Van Rensselaers Deed to Coejemans by w^{ch} find, the Rensselaer Family must Covey [convey] 100 Acres Land to the Heirs of Coejemans, laying at Pichteway, and it is Said that one *Milburn Van Hoesen* lives on the Land

Left Albany at 4 h. P. M. in a Solo—called at M^r Nicholls's, who informed me that the said Van Hoesen Lived on the Said 100 Acres Land—Left M^r Nicholl's at 7. o'Clock, and got to M^r Anthony Ten Eyck's at 8—Passed the Evening [18] with him and Lady, and beginning to talk of old times in New York, did not get in Bed till about Midnight—

SATURDAY JULY 9th—after a good Nights rest, got up at half-past Six—Breakfasted with M^r Ten Eyck—took a walk to his Mills—Had my Horses Shod, and a Screw put in the Bottom of my Sulky—agreed to Let Ten Eyck know when I returned to Albany, in order to his meeting me there with all his papers relating to the Estate of Sam^l Coejemans Dec^d.—and at 11 O'Clock left his House and went to M^r McCarty's, where I dined with Mrs. Bronck, on Venison, and drank Tea—had a good deal of talk

with M^r McCarty about our claim, who gave me Several informations how things had been conducted by the Ten Eycks &c^a—at 5 h. P. M. left M^r McCarty's, for Mrs. Witbeck's at *Achquetok*, and got there at Six—where I found all friends well and greatly pleased with my Visit; took a Walk [19] with M^r Witbeck about the Farm w^{ch} I found a good one, affording a prospect of an Excellent Crop of Wheat—went to Bed about 10 h. P. M.—

SUNDAY JULY 10th—got up in good health this Morning—left Mrs Witbeck's, at 8 h. A. M.—accompanied by M^r P. Witbeck, with intent to go to Church at Coxhacki, but by the way heard there would be no preaching and therefore Stopped at the House of M^r Th^r Hooghteling, who has married the Eldest Daughter of Mrs. Witbeck—got here about half-past 9 o'Clock; M^r Hoghteling being gone from home to pay a Visit to his Mother near Albany who has broke her Leg—I remained here all Day—Talked to old Hend^k Hoghteling & told him my intention of Running out my Right in Coejemans claim—w^{ch} he approved of and recommended one Jacob Bogardus as a Chain bearer—In the Evening Cozⁿ Thomas came home, had some talk with him about the Eyck's &c^a. but rec^d no new information—Supped & went to Bed at 10 o'Clock.

MONDAY JULY 11th Rose at half-past 6 o'Clock—Breakfasted an hour after.

after Breakfast M^r Hooghteling [20] Shewed me a Map of Lands granted to his Grandfather in Anno 1697, laying within the Bounds of Coejeman's Grant—Left his house about 9 O'Clock and went to Coxhackie & met with Several people According to Appointment made the Day before, and asked leave for my Surveyors when they came to Run out our Patent to Traverse the Kill to Coxhachi, from the Mouth to the head—They all consented except one *John Brunk* who said he had no objection to the Surveyors Running as far as the Bridge of Coxhachi, but would not consent to their Running any farther—I told him was a Matter of Indifference to me whether they Run farther or Not, but could wish they would not oppose me—and then left them, at half-past ten O'Clock (after paying 2/ for Toddy drank by the Company) for M^r W^m Salisbury's at Katskill, where I came about one o'Clock;—Dined here & in the afternoon paid a Visit to his Son Francis, on the North Side of the kill, who is Married to a Daughter of Joachim Staats, of whom I bought a Sorrell Horse for £18. 4.—Drank Tea here & in the Evening returned to his Fathers where I Slept, being made very welcome at both Houses—Informed him of my intentions to Run out our old Patent, at w^{ch} he appeared to be a little Alarmed—tho' said nothing against the Measure,

* Justice Livingston.—Probably Judge Robert R. Livingston, of the Supreme Court of the Colony, and father of the Chancellor.

† M^r Kemp^a.—Probably Hon. John Tabor Kempe, the Attorney-general of the Colony.

TUESDAY, JULY 12th Arose in good health at half past 7 h. A. M.—Took Breakfast at *Eight*, and at *Nine* left Mr. Salisbury's, and set out for Mr. Fredrick [21] Brandow's—got there at half past Ten—Spoke to his Son William, about the Lands I bought of Mr. Metcalfe, and gave him some directions respecting them, of w^{ch} he is to make report to me in September—I was rec^d kindly here; the[y] would not receive Anything for what I had at the house, altho' Tavern Keepers—Left Brandow's at a quarter past 11 h. A. M. by the way of Tenuis Van Veghten's at Katskill, for *Coxhackie*; where I arrived at three Quarters past one—Dined at the House of a Mr. *Comeyn*, and paid him for Self, Pomp and Horses 3/, and at three O'Clock Set out for *Coxhackie* Landing in order to cross over to *Kinderhook*—Got in the ferry Boat at the Landing at 4 h. P. M. and landed Safe at the *Nutten Hook* on the Eastern Bank of Hudson's River, a quarter of an hour after—from whence proceeded to the House of *Isaac Goes*, on the East side of *Kinderhook* Creek opposite to the Church—Got there about Six, and after resting a little, paid a Visit to the Rev^d Mr. *Fryenmoet*,* with whom passed the Evening & Supped, being made exceeding welcome by him & family—He informed me that he had been at the Bath, and had seen Mr. McDougall & Mr. White there, who were much better than when they went, especially, the former, and that they had both been very kind to him and his Lady—Returned to Mr. Goes's at 10 h. P. M. and went to bed in good health.

[22] WEDNESDAY, JULY 13th—At Six O'Clock this morning arose in good health—Talked with Mr. Goes about the Division of *Kinderhook*, and found that it was totally disregarded every body taking in Lands where they can find it whether they have right to it or not particularly Mr. Van Schaack's family,—Mr. David V. Schaack was told has taken in at least 2000 Acres, and built him a house like a Castle on part of it, near the Town; it is built of Brick, two Stories high, four Rooms on a floor, and a large hall thro' the Middle of it, and is built in a very elegant Taste—Strange doings this on common Lands & forebodes no good on the part of the Van Schaack family towards confirming the partition—

Breakfasted at Mr. Goes's, for w^{ch}, Lodgings &c.,—paid 5/ 6 —left his house at half past 8 h. A. M.—called upon Mr. *Fryenmoet*, who gave me some Green Pease for Mess^{rs} White & McDougall—proceeded from his house, by the

way of Van Alstyne's, from thence to Cap^t V. D. Pool's & so on to the house of one Mr. Demming, at a place in *Westenhook* Patent called *New Canaan* where I stopped at a Quarter past one—being about 16 miles from the Town of *Kinderhook*, great part of the Way being *Hilly*, *Stony* & *Rough*—Here I overtook one *Vosburgh* from *Kinderhook*, wth whom dined, and fed my Horses, for w^{ch} paid 3/.

At half past two left Demming's & at half past four P. M. got to the Bath, where I found my friends White & McDougall, much recovered [23] And finding them at Tea, with two Clergymen and two Country Ladies, also drank Tea wth them—about 6 O'Clock went into the Bath, which refreshed me very much—Supped on Chocolate and went to Sleep at 10 h. P. M.

THURSDAY, JULY 14th Arose in good health at 5 o'Clock in the Morning—at Six went into the Bath, which was very Reviving—Breakfasted at *Eight*—Afterw^{ds} (the several Patients having Bathed) we Stopped Some leaks in the Bath—and then we mounted our Horses & took a Slow Ride about the Country for about 8 miles & returned to the Bath at about 12—at w^{ch} time meeting an old Dutch Woman very lame & with Sore legs, & very Poor, gave her a Dollar—Dined at 2 h. P. M. having a Most excellent appetite as had Mess^{rs} W & McDougall—Towards Evening Bathed again—and about 9, went to Bed—

FRIDAY, JULY 15th Arose in good health at 5 o'Clock—Bathed at *Six*—Breakfasted at *Seven*—mounted our Horses at *Nine*—and went to the Wheat field of one *Dimming*—and Mr. White Shott Three Squirrels, wth which returned to the Bath and had them Dressed for Dinner—Dined at two [24] O'Clock—after dinner took four glasses of old Wine, and then played *Pos* with Cap^t White till *five*, leaving off as we began—We then made several repairs to the Bath in order to Stop the leaks—about Six a Waggon arrived from *Kinderhook* wth five people to be cured in the Bath of the Rheumatism—Bathed again at *Seven* as did my friends—At Eight another Waggon arrived with some people from *Albany* in order to use the Bath—Supped between 8 & 9 & went to Bed at Ten in good health, after Eating a Supper of Milk & Rusk.

SATURDAY, JULY 16th Got up at a Quarter before 5 h. A. M.—Sent Pomp for the Horses in order to leave the Spring—Breakfasted at *Six*—Gave Cap^t White 8/ towards building a Bathing House—4/ 4. to Mr. *McCall*, who keeps the House of Entertainment for my expenses—Rec^d the acc^t of the Death of Lt. W^m. Johnson* (on Monday the 4th Instant after only

* Rev. Mr. *Fryenmoet*.—Rev. Johannes C. Freylenmoet was educated in Europe, and Pastor of the Churches of *Ministink* and *Walpeck*, *Smithfield* and *Mahakkemack*, from 1744 until 1758, when he removed to the *Kinderhook*, *Claverack*, and *East Camp* Churches, of which he continued to be the Pastor until 1772.

* Probably Sir William Johnson, who died on the eleventh of July, 1774.

one Days Illness) by Mr. John Fisher of Albany—and left the Bath at a Quarter of Six—I must here remark that the Roads from Kinderhook to the Bath are exceeding Rough, but might be made [25] much better by removing a great Number of loose Stones & Stumps & filling of Deep Ruts—Altho' the Country is Rough, it nevertheless appears fertile, and deserves the Name of a good country, both for raising of Wheat & Cattle—The Lands about the Spring tho' Rough are very good, as is fully Evinc'd by the Wheat, Corn & Grass it produces—The Spring is the most extraordinary I ever saw for the Quantity of Water it delivers; the Waters have a fat Sulphurous taste, and one of a Purgative Nature—*

At a Quarter after 9 h. A. M. got at the House & Mill of Mr. Schermerhorn called Phillipstown, about 9 Miles from the Spring—The Road for the most part is new & therefore bad for a Carriage but except about two Miles Across a Stony ridge [*might*] be made very good & the whole distance except the Ridge may be called a very good Country—Fed my Horses here, and paid 10^c—and moved forward towards Albany at 10 h. A. M.—At a Quarter past one o'Clock, got to the House of Mich^l Michael's distance from Schermerhorn's about 10 miles but as I Rode it not less than *twelve*—Here I dined on Bread & Butter, with Soft Eggs. There was also some fried Bacon on Table [26] of w^{ch} however did not taste—Dinner &c cost here 4/6—At half after 2 h. P.M., Set off from hence, and at five got to the ferry opposite to Albany; distance from Michaels 11 miles—So that the whole distance from the Bath to the City of Albany is 30, miles—In Albany I put up at Mr. Beekman's who on my coming to his house gave me two Letters, one from R. Morris Esqr. enclosing an order on his Brother Lewis Morris for £76—; The other from Ph. Lott, informing me among other things that my family were well on the 8th Instant—

I also met just returned from Johnstown in Tryon County, Gov^r Franklin & his Suit, Mr. Banyar, Mr. Low, Mr. Duryee and Mr. Morton—wrote a Letter to Mess^{rs}. W. & M^r Dougall by Capt. Chapman & sent them a pound of Green Tea, w^{ch} Mr. M^r Dougall forgot to take wth him—Also wrote a Letter to Mr. A. Ten Eyck requesting he would come with all the papers he has about Coejeman's affairs & Meet me on Monday in this place, that I may be enabled to Set out for home.

Supped with Mr. Beekman & went to Bed at 10 o'Clock—

SUNDAY JULY 17th—Arose at Seven in the Morning Breakfasted at Eight—wrote a Letter

* As we have said, already, it is probable that the Lebanon Springs are here referred to.

to Mr^r. Lott, by Mr. Duryee—& then went to Church—N. B. Gov^r Franklin & his Suit Set out early this Morning for the Bath—Dr. Westerlo's Text in the Morning was 51 Ps—latter part of the 14th Verse—Dined at Mr. Jn^o [27] H. Ten Eyck—went to Church in the afternoon, The [] Preached over the 10th Commandment—Drank Tea with Gysbert Fonda, wth the Dominie and R R Revd (?)—paid Several Short Visits—Supped at Mr. Beekman's & went to Bed at 10, O'Clock.

N. B.—in the afternoon Saw Rich^d Morris Esqr. & Judge Livingston just returned from Tryon County—Promised the Judge to send up £150—to his house by his Sloop—All this Day had a Smart purging on me, w^{ch} believe to be occasioned by the Waters of the Bath.

MONDAY, JULY 18th—Arose at half-past Six—Breakfasted wth M^r Beekman—after w^{ch} had a long conference with Mess^{rs} J & A Ten Eyck—the Substance of which see in the Bundle of Papers—Bespoke my passage to New York wth H. Cuyler & am to set out To Morrow—Dined wth Jacob H. Ten Eyck Esqr.—after Dinner Settled with Gysbert Fonda, about w^{ch} See the memorandum—Bought a Horse of Doctor Mantins for £27—and sold Henry Kelly's Sulky to H. T. Eyck for £17—Paid 27/ for a Copy of K. V. Rensselaer's Deed to A. Coejemans in 1706—Gave Mr John Bleecker the Boundaries of the Indian Deed of 1704—and requested him to let me know *how far the Stations therein mentioned would go from Hudsons River?* Paid Several Visits—passed the Evening at Mr Cartwrights, and went to Bed at half-past Ten.

[28] TUESDAY, JULY 19th—Arose at Six, O'Clock—Breakfasted at my Lodgings—wrote a Letter to Joachim Staats & thanked him for the Loan of his Horse—paid some Visits—at Eleven called on the Loan-officers of Albany who paid me on Account £600. 17. 2—Paid Dr Mantins £27—for the Horse bought of him yesterday, who is to Send him down by some Careful Captain in the Course of a few Days—Paid Rob^t Yates £93. 4. 6—allowed him by an act of Assembly passed in March last—Invited by Dr Mantins to Dine with him on *Snock* that is *Pike*, but Dined with M^r Beekman—at 2 h. P.M. left Mr Beekman's and went on board of a Sloop of Cap^t Harmanus Cuyler and Set off from Albany for New York, having on board Ph: Livingston,* Esqr & Lady, as also one other Woman passenger—At 3 o'Clock got to the *Overslagh*, about 3 miles below Albany, where the sloop got aground as did also Cap^t Sam^l Pruyn in his

* Philip Livingston.—Probably the merchant of that name who resided in New York; was afterwards a member of the Continental Congress; and signed the Declaration of Independence.

Sloop—Drank Tea at 4 h. P.M.—after which intended to have gone to the house of J. Staats with the Canoe, but supposing him gone to Loonenburgh to an Arbitration did not go—went to Bed about 10 O'Clock.

WEDNESDAY JULY 20th—at one o'Clock in the Morning got off the overslagh and Rowed up against Tide to opposite the House of the Widow Schuyler—At 4 h. A.M. weighed [29] Anchor, and Worked it down Against Tide to about 3 Miles above Coejeman's; here the Tide making against us, came to an Anchor, at 10 h. A.M.—here we laid & Dined—and at 4 h. P.M.—weighed Anchor & with the Ebb worked down against a very Strong South Wind to about half a Mile above Coejemans, when, the wind increasing & the foresail Splitting, we came again to an Anchor at about 5, o'Clock—I then went on Shore and Drank Tea with Mrs. Ten Eyck & Daughter, wth Mr. McCarty, who I saw or rather met on my Landing a little above Mr. Ten Eyck's house—after Tea, taking leave of Mrs. Ten Eyck &c* went with Mr. McCarty to his house remained there a little, & then went to Mrs. Bronks, where I found Mrs. Witbeck & her Daughter Van Antwerp; About Sundown Mr. A Ten Eyck & McCarty came there also—Supped here with those Gentlemen—Took leave of Mrs. Bronk and family who gave me some Green Pease, & went to McCarty's at 9 h. P.M.—from hence went with the Canoe to A. T. Eyck's. Stopped & Drank a Couple Glasses of Wine with him; he gave me some Salled and three Chickins—left his house at 10 h. P. M.—went on board the Sloop, and went to Bed at half-past Ten—The Wind Blowing exceeding hard at South—

THURSDAY JULY 21st, 1774—At three o'Clock this morning the Capt^r Groesbeck & Staats, passed us with a fair Wind from New York to Albany at 4 in the Morning had a Smart Shower of Rain, at *five* weighed Anchor [30] and against the Southerly Wind worked down to Opposite Coxhackie and here Run aground again at half-past nine—(Breakfasted between 7 & 8 h. A.M.—) Got loose again and came down to Nutton Hook at 10, where the flood obliged us to come to an Anchor—Here the Capt Landed his Wife, that is at Coxhackie, who went to pay a Visit to her Father Petrus Van Berghen who lives just about a mile from the River near the Church at Coxhackie—Dined while we laid at Anchor—about 3 h P.M. Weighed Anchor and tided down About 8 miles, & between 8 & 9, O'Clock were obliged to come to an anchor again—Supped & went to Bed between nine & ten o'Clock.

FRIDAY JULY 22^d. Weighed Anchor about 4 h. A.M. with a very light Northerly Breeze—Breakfasted at *Seven*, and at half past nine the

Wind failing & the Tide coming against us, came to an Anchor about a Mile below Judge Livingstons, and nearly opposite the Mouth of the Esopus Creek—Mr. & Mrs. Livingston & Self went on Shore, they paid a Visit & Dined with Ph. I. Livingston Sheriff of Dutchess County;* and I went to the House of Judge Livingston† & Dined there, and paid Mrs Livingston‡ at the request of the Judge made to me at Albany, £150 on Acc^t of Salary Due him as one of the Judges of the Supreme Court of this Colony—I was received very kindly here [31] and at half-past 2, o'Clock left the House when Mrs. Livingston presented me with four Chickins and Some Carrots; Her Son Henry§ was kind enough to bring me down to the House of the aforesaid Sherif, where the Sloop took me on board, it being then at half past 4 P. M.—We made the best of our Way against & Strong Southerly Wind, and a Thunder Shower arising came to an Anchor again at *five* O'Clock for About a Quarter of an hour—then weighed anchor, and continued to make the best of our Way till Six o'Clock, when the wind blew so hard that we anchored again opposite to Col^d Ten Broeck's, but finding the water too Shallow weighed again and continued under Sail till about half after Eight, when we anchored about a Mile above Eusope's Creek||—here we supped and went to Bed at Ten o'Clock.

N.B. at Mr. Ph. I. Livingston's took in his Sister Peggy¶ to go down to New York with us—

SATURDAY MORNING JULY 23^d. Got up at a Quarter past *one*—The weather being then Cloudy & the Wind Still blowing fresh at South—Between 2 & 3 h. A.M., weighed Anchor, the Wind blowing So hard at South that we were obliged to let the Anchor go twice before *five* O'Clock, about which time happened an exceeding hard Clap of Thunder, and Rained very hard—

Breakfasted at Eight O'Clock—and [32] continued Sailing till *Nine*, when the flood came against us, and therefore anchored opposite to Mr De Witt's at Staatsburgh,** not having advanced more than five Miles all the Tide—Dined at one o'Clock, and at two Weighed Anchor wth the young Ebb, But the Wind as much against us as ever—At about three O'Clock took on board a Carpenter living as he says in New York—continued under Sail till Six O'Clock, when the

* Philip I. Livingston, Sheriff of Dutchess County, probably a son of John Livingston and Catharine de Peyster, his wife. He married Frances Bayard.

† Judge Robert R. Livingston, father of the Chancellor.

‡ Margaret Beekman, daughter of Colonel Henry Beekman.

§ Colonel Henry B. Livingston, of the Army of the Revolution.

|| Saugerties, Ulster-county.

¶ Peggy Livingston.—Margaret, sister of Philip Livingston, was the wife of Doctor Thomas Jones of New York.

** In the town of Hyde Park, Duches County.

Southerly Wind blew so high that it tore part of the foresail, and as it Rained hard & there was an appearance of a great Storm (it then Thundering & Lightening) we concluded it would be most prudent to come to an Anchor, but as we were in what is called *Crum Elbow*,* where the Water is Deep & the Anchorage Bad, Run about a Mile back up the River, and came too under the Eastern Shore, Just above the point of *Crum Elbow*, where we laid comfortably Sheltered from the Wind—at half past Six Drank Tea and Eat Bread & Butter with it by Way of Supper—went to Bed between 9 & 10, the Weather being still Rainy and Boisterous—

SUNDAY JULY 24th—Got up & found the Weather still overcast & the wind at South at a Quarter past one in the morning—At half past two Weighed Anchor with the Wind at South [33] Breakfasted at *Eight* and came to an anchor at About Nine, the Tide and wind being Against us near the place called *Barnegat*, or the Lime Killns,† distance from whence we came about 12 miles—Here Mr. Livingston the Captain & Self went ashore, at the House of one *Hend^r Wile*, who lives on a farm of *Mr. Ray*, of New York; he was Born at Flushing on Long Island, and has lived 37 years on the place at 12 Bushels of Wheat *p^r Annum*, he made us Welcome and offered us Some Cucumbers, for w^{ch} however paid him 1/7—We also took Some Cool Spring Water on Board from his Spring, and he went with us to take a Drink of Punch—He Left us About one h. P. M.—Dined at half an hour after & weighed Anchor at a Quarter past two, the Wind Still at South but the Weather Clear—I must however observe that on going on Shore I washed myself in the River, which refreshed me Much—Continued beating against Wind till near *Nine* in the Evening when the Tide came against us, and obliged us to come to an Anchor in the Highlands about a Mile Above *Mr. Moore's*—Went to Bed at *ten* with a kind of Sick head Ach

MONDAY JULY 25th—Weighed Anchor with A Light Breeze from the Northward a little after 12 in the Morning & the Tide Still against us—About 2 h. A. M. the Ebb began to Make (34) and the Northerly wind arising we Sailed with more pleasure than we have done since we left Albany—got thro' the highlands about 6 h. A. M.—Breakfasted opposite to *Verdrietige*

* *Crum-elbow*.—"At Hyde Park, the river makes a sudden bend between rocky bluffs, and in a narrower channel. On account of this, the Dutch settlers called the place 'Krom Ellebogen,' or Crooked Elbow. As is frequently the case, along the Hudson, the present name is a compound of Dutch and English, and is called 'Crum Elbow.'"—*Lossing's The Hudson*, 186, 187.

† *Barnegat*, or the *Lime Killns*, five miles below Poughkeepsie, "remarkable only for its many, some twenty, lime-killns, whence large quantities of lime are exported."—*GORDON'S Gazetteer of New York*, 433.

Hook, at Eight, and Sailed with a pleasant Gale from the North against Tide till when we got the Ebb again in our favor

[ENTRIES AT BACK OF THE BOOK.]

1774 Paid for Stores in going to Albany viz^t.—

| | | |
|----------|--|--------------------------|
| June 20. | 100 Limes - - - | £0. 5. 6 |
| 21 - | 1 Keg Bisquits - - - | 0. 7. 6 |
| | P ^d A C: Duryee for | |
| | 5½ Gals Wine @ 14/ | £3. 13. 6 |
| | 2 doz Bottles @ 4/6 | £0. 9— |
| | 1 Bottle Vinegar & Bottle | 0. 0. 10 |
| | 2 lb Candles - - - | 0. 2. 2 |
| | 1 Betty of Oil - - - | 0. 4. — |
| 12 | Fowles - @ 16 ^d - - - | 0. 16. — |
| | 1 Bushel Ind ⁿ Corn - - - | 0. 3. 6 |
| | 8 lb Butter - - - | 0. 8. — |
| | A Qur Veal 19½ ^{lb} Veal | @ 5 ^d 0. 8. 2 |
| | A fore Qur Lamb - - - | 0. 3. 3 |
| | A Leg Lamb - - - | 0. 2. — |
| | 1½ Peck Pease - - - | 0. 1. 8 |
| | 6 head Sallad - - - | 0. 0. 10 |
| | 2 Bunches Turnips - - - | 0. 1. — |
| | 1 Loaf Sugar 11 ^{lb} 15 ^{oz} 14 ^d | 0. 13. 11 |
| | To Milk - - - | 0. 0. 7 |
| | To " at twice - - - | 0. 1. 2 |
| | To the Cabbin - - - | 5. — |
| | | £13. 2. 7 |
| | 12 Loaves Bread T W. | 0. 3. 5 |
| | Rum and Bottles - - - | 0. 12. — |
| | | £13. 18. 0 |

| | |
|---|------------|
| P ^d Mr. Grant - | £3. 9. 6 |
| P ^d Mr. White - | 3. 9. 6 |
| P ^d Mr. M ^c Dougall | 3. 9. 6 |
| myself - | 3. 9. 6 |
| | £13. 18. — |

Account of my Expenses from New York to Albany & back again, viz^t.—

1774

| | | |
|----------------------|---------------------------------------|-----------|
| June 23 ^d | To passage & Stores as | |
| | p ^r . fol. 1 | £ 3. 9. 6 |
| Do 29. | To 1 p ^r black Cloth Shoes | 0. 16. — |
| | To Cartage of Trunks &c ^a | 0. 2. — |
| July 1. | To Expenses in going | |
| | to Schenectady &c ^a | 0. 16. — |
| | To three ferriages to | |
| | Green Bush | 0. 0. 5 |
| 4. | To Pompy - - - | 0. 1. 0 |
| 6. | To Ferriage to Green | |
| | Bush & back | 0. 3. — |
| 7. | To an Extract from the | |
| | Records at Albany | 0. 3. — |
| | To a Saddle Bags - - - | 1. 7. — |

| | |
|--|----------|
| To 2 Weeks Lodgings 18/ as demanded but paid 24/ } | 1. 4. — |
| To Straps for the Saddle | 0. 1. — |
| 8. To p ^d for Shoeing my Horses & mending Solo | 0. 9. — |
| 11. To paid for Toddy at Cox-hackie | 0. 2. — |
| To p ^d Francis Salisbury for a Sorrel Horse | 18. 4. 0 |
| 12. To Dinners &c* at Cox-hackie | 0. 3. — |
| To Ferriage from Cox-hackie to Nutten Hook | 0. 3. 6 |
| 13 To Lodgings &c* at Mr. Goes's at Kinderhook | 0. 5. 6 |
| To Dinner &c* at Mr. Demming's at New Canaan | 0. 3. — |
| 14 To a poor Dutch Women, at the Bath | 0. 8. — |
| 15 To paid Towards making a Bathing house at the Spring | 0. 8. — |
| To paid Expenses at the Spring | 0. 4. 6 |
| July 13. To Feed for Horses at Schermerhorn's | 0. 0. 10 |
| To Dinners &c., at Mich ^l Michael's | 0. 4. 6 |
| To Ferriage over the River at Albany | 0. 1. 0 |
| 19. To Mr. Lidius for 9 Days Horse hire | 1. 14. — |
| To the Barber - - - | 0. 1. 7 |
| To Mr. Beekman's Wench | 0. 2. — |
| To Rich ^d Cartwright, as \$9 Bill | 2. 1. 6 |
| To Dr. Mantins for a Horse | 27. — |
| To a Copy of Rensselaer's Deed to Coejemans From the Records at Albany } | 1. 7. — |
| 20. To Mr. McCarty's Man to bring me on board | 0. 1. — |
| 24. To Milk & Cucumbers at Poughkeepsie | 0. 1. 9 |

II.—MAJOR-GENERAL W. T. SHERMAN AND THE SPRING CAMPAIGN OF 1862, IN THE WEST.*—By GENERAL D. C. BUELL.

Major-general Sherman, in a recent discourse at an entertainment given to him in St. Louis, has undertaken to settle the question as to who originated the plan of campaign which resulted in the capture of Fort Henry, Fort Donelson, Bowling Green, Nashville, and other important points in Kentucky and Tennessee, in the Spring of 1862. He explains the matter in these words:

"I remember, one evening, up in the Old 'Planter' House, sitting with General Halleck

"and General Cullum: we were talking about 'this, that, and the other. A map was on the table; and I was explaining the position of the troops of the enemy, in Kentucky, when I came 'to this State. General Halleck knew well the 'position here [in Missouri], and I remember 'well the question he asked me—the question 'of the school-teacher to his child—'Sherman, 'here is the line: how will you break that 'line?' 'Physically, by a perpendicular 'force,' 'Where is the perpendicular?' 'The 'Tennessee-river.'" General Sherman then adds: "General Halleck is the author of that 'first beginning; and I give him credit for it, 'with pleasure."

Whether, according to this statement, the credit should attach to General Halleck or to General Sherman, I do not care to inquire; but I think proper to notice the general proposition; and I here transcribe official dispatches relating to the question which General Sherman has undertaken to solve.

I should premise by saying that, about the twenty-seventh and thirtieth of November, 1861, two weeks after assuming command in Kentucky, I wrote to General McClellan, then General-in-chief, two letters of which I have not copies at hand, but which he can doubtless produce, sketching a plan of campaign for Kentucky and Tennessee, in which the gunboats and land-force, under General Halleck, were to take part—the same plan as that which I subsequently proposed, at less length, to General Halleck; and which, afterward, was executed. The present Provost-marshal-general, General J. B. Fry, then my Chief of Staff, can testify in regard to those letters; and the following dispatch has reference to the plan submitted in them:

"WASHINGTON, December 5, 1861.

"GENERAL BUELL, LOUISVILLE:

"I have again telegraphed Major-general Halleck for information as to his gunboats and 'disposable troops. As soon as I receive reply, 'will arrange details with you. Send me draft 'of water in Cumberland-river to Nashville, 'and in Tennessee-river. Your letter of 30th 'received.

"G. B. McCLELLAN."

The plan was approved by General McClellan; and, as fast as troops and materials were received—for as yet I had neither army, ordnance, nor transportation—they were organized and placed in positions to enter upon its execution, namely, one column at Mumfordsville, on Green-river, on the direct road from Louisville to Bowling Green; one column at Green-river, on the turnpike from Burdstown to Glasgow; one at Columbia; and one at Lebanon; while another guarded the lower Green-river

*From *The [New York Daily] World*, of September 4, 1865.

and threatened the left flank and rear of the enemy, at Bowling Green. The columns at Lebanon and Columbia also had reference to other eventualities, viz: the movements of Zollicoffer's army and a possible movement into East Tennessee, which, from the first, was urged upon me from Washington, with importunities that almost amounted to orders.

While General McClellan was waiting for certain preparations in the force which was to co-operate from Missouri, especially the gunboats, he was taken ill; and I received the following dispatch from the late President:

"WASHINGTON, December 31, 1861.

"Major-general McClellan is sick. Are Major-general Halleck and yourself in concert? When you arrive on Bowling Green what hinders it being reinforced from Columbus? Answer. "A. LINCOLN."

GENERAL BUELL TO PRESIDENT LINCOLN.

"LOUISVILLE, December 31, 1861.

"There is no arrangement between General Halleck and myself. I have been informed by Major-general McClellan that he would make suitable disposition for concerted action. There is nothing to prevent Bowling Green being reinforced from Columbus, if a military force is not brought to bear on the latter place. "D. C. BUELL."

PRESIDENT LINCOLN TO GENERAL BUELL.

"WASHINGTON, January 1, 1862.

"Major-general McClellan should not be disturbed with business. I think you better get in concert with Major-general Halleck, at once. I write you to-night. I also telegraph and write Major-general H. W. Halleck. "A. LINCOLN."

In consequence of these dispatches, the following correspondence passed between General Halleck and myself. My first dispatch to General Halleck I cannot now put my hand on. Its tenor may be inferred from the reply:

"St. Louis, January 2, 1862.

GENERAL BUELL, LOUISVILLE:

"I have had no instructions respecting co-operation. All my available troops are in the field, except those at Cairo and Paducah, which are barely sufficient to threaten Columbus, etc. A few weeks hence, I hope to be able to render you very material assistance; but, now, useless withdrawal of any troops from this State is almost impossible. Write more fully. "H. W. HALLECK,"

GENERAL BUELL TO GENERAL HALLECK.

"HEADQUARTERS DEPARTMENT OF THE OHIO, {

"LOUISVILLE, January 3, 1862. }

"GENERAL: I received your dispatch, and, with more delay than I meant, proceed to the

"subject of it, in compliance with your request, and, I may add, also at the wish of the President.

"I do not underrate the difficulties in Missouri; but I think it is not extravagant to say that the great power of the Rebellion, in the West, is arranged on a front, the flanks of which are Columbus and Bowling Green, and the centre about where the railroad between those points crosses the Tennessee and Cumberland-rivers, including Nashville and the fortified points below. It is, I have no doubt, within bounds to estimate their force on that line at eighty thousand men, including a column about Somerset, Kentucky; in rear of their right flanks, it is more.

"Of this force, forty thousand may be set down as at Bowling Green; twenty thousand at Columbus; though you doubtless have more information on that point than I have; and twenty thousand at the centre. Considering the railroad facilities which enable the enemy to concentrate, in a few hours, on any single point of this front, you will, at once, see the importance of a combined attack on its centre and flanks, or, at least, of demonstrations which may be converted into real attacks and fully occupy the enemy on the whole front. It is probable that you may have given the subject, as far as Columbus and the centre are concerned, more attention than I have. With reference to the former, at least, I can make no more than the general suggestion already expressed, that it should be fully occupied.

"The attack upon the centre should be made by two gunboat expeditions, with, I should say, twenty thousand men on the two rivers. They should, of course, be organized with reference to the depth of the water in the rivers; and whether they should be of equal or unequal strength, would depend upon that and other considerations, and can hardly be determined until the moment of departure. The mode of attack must depend on the strength of the enemy, at the several points and the features of the localities. It will be of the first importance to break the railroad communication; and, if possible, that should be done by columns moving rapidly to the bridges over the Cumberland and Tennessee. The former, probably, would not be reached at first, being some thirty-one miles above the first principal battery that I know of, at Dover. The other is eighteen miles above Fort Henry—the first I know of, on the Tennessee. If the expeditions should not be strong enough to do the work alone, they should establish themselves, firmly, at the nearest possible point, and remain, at least, until they ascertain that reinforcements from

"my columns or some other source would not reach them. By waiting, they could establish themselves, permanently, under the protection of the gunboats.

"I say this much rather to lay the subject before you than to propose any definite plan for your side. Whatever is done should be done speedily: within a few days. The work will become more difficult every day. Please let me hear from you at once.

"Very truly yours

"D. C. BUELL

"Brigadier-general Commanding.

"GENERAL H. W. HALLECK, Commanding Department Missouri."

Not receiving any reply to my communication, on the seventh, I telegraphed General Halleck, as follows:

"I am telegraphed by the President. Can you fix a day for concerted action?" To which he replied the same day: "Designate a day for a demonstration. I can do nothing more. See my letter of yesterday." The letter arrived subsequently, and is as follows:

"HEADQUARTERS DEPARTMENT OF THE MISSOURI.

"St. Louis, January 6, 1862.

"BRIGADIER-GENERAL D. C. BUELL, LOUISVILLE, KY.

"GENERAL: I have delayed writing to you for several days, in hopes of getting some favorable news from the Southwest. The news received to-day, however, is unfavorable—"it being stated that Price is making a stand near Springfield; and that all our available forces will be required to dislodge and drive him out.

"My last advices from Columbus represent that the enemy has about 22,000 men there. I have only about 15,000 at Cairo, Fort Holt, and Paducah; and, after leaving guards at these places, I could not send into the field over ten or eleven thousand. Moreover, many of these are imperfectly armed.

"Under these circumstances it would be madness for me to attempt any serious operation against Camp Beauregard or Columbus. Probably, in the course of a few weeks, I will be able to send additional troops to Cairo and Paducah, to co-operate with you, but, at present, it is impossible; and it seems to me that, if you deem such co-operation necessary to your success, your movement on Bowling Green should be delayed. I know nothing of the plan of campaign, never having received any information on the subject; but it strikes me that to operate from Louisville and Paducah or Cairo, against an enemy at Bowling Green, is a plain case of exterior lines, like that of McDowell and Patterson, which, unless each

"of the exterior columns is superior to the enemy, leads to disaster ninety-nine times in a hundred. Very respectfully,

"Your obedient servant,

"H. W. HALLECK, Major-general."

And here my reply to the remarks quoted from General Sherman might rest; but other statements in his speech make it proper for me to continue.

My correspondence with General Halleck terminated, for the time, with his reply to my letter of the third of January; and the movement upon Bowling Green and Nashville was necessarily deferred, I had not the ordnance and other materials necessary for a direct attack upon Bowling Green, which was strongly fortified, on both sides of Barren-river; and the part which I originally contemplated for myself, in the proposed plan, was to flank Bowling Green by the left and move rapidly upon Nashville, through Glasgow and Gallatin, an essential condition of which was that General Halleck should gain a footing at some point on the Cumberland, with which I could open communications on my arrival. There was no reasonable doubt of his being able to do that with a suitable force; for, as yet, the enemy's works on the Tennessee and Cumberland were not strong.

In the meantime, I became involved in operations against Humphrey Marshall, in north-eastern Kentucky, and Zollicoffer, at Mill Spring, and in other important movements, which diverted a large part of my force from the Nashville line. The roads became almost impassible, from the snows and rains of Winter, which suddenly set in, with great rigor. Under these circumstances, the abrupt commencement of General Halleck's movement, without premonition, was a source of anxiety, because I believed that strong support was necessary to make it successful; and celerity of movement, over the roads on which my troops had to march, had, by that time, become impossible. The following dispatches, commenced without any warning, will explain what occurred:

"(By Telegraph.)

"St. Louis, January 30, 1862.

"BRIGADIER-GENERAL BUELL, LOUISVILLE:

"I have ordered an advance on Fort Henry and Dover. It will be made immediately.

"H. W. HALLECK."

"(By Telegraph.)

"LOUISVILLE, January 30, 1862.

"GENERAL HALLECK, ST. LOUIS:

"Please let me know your plan and force, and the time.

"D. C. BUELL,"

"(By Telegraph.)

"St. Louis, January 31, 1862.

"GENERAL BUELL, LOUISVILLE,

"Movement already ordered to take and hold
"Fort Henry, and cut railroad between Colum-
"bus and Dover. Force about fifteen thousand.
"Will be reinforced as soon as possible. Will
"telegraph the day of investment or attack.

"H. W. HALLECK."

"(By Telegraph.)

"LOUISVILLE, January 31, 1862.

"GENERAL HALLECK, ST. LOUIS:

"Do you consider active co-operation essen-
"tial to your success? Because, in that case, it
"would be necessary for each to know what the
"other has to do. It would be several days
"before I could seriously engage the enemy;
"and your operations ought not to fail. The
"operation which was suggested in my letter
"of yesterday would be an important pre-
"liminary to the next step.

"D. C. BUELL,"

The letter referred to, with its inclosure,
suggested, in some detail, that the gunboats
should endeavor to run past the forts and
destroy the bridges over the Cumberland and
Tennessee:

"(By Telegraph.)

"St. Louis, February 1, 1862.

"GENERAL BUELL, LOUISVILLE:

"Co-operation at present not essential.
"Fort Henry has been reinforced; but where
"from I have not learned. The roads are in
"such horrible condition as to render move-
"ments impossible on land. Will write you
"fully my plans, as soon as I receive your letter
"of the 30th ultimo. Write me your plans;
"and I will try to assist you.

"H. W. HALLECK."

"(By Mail.)

"HEADQUARTERS DEPARTMENT OF THE }
MISSOURI,

"St. Louis, February 2, 1862. }

"BRIGADIER-GENERAL D. C. BUELL, LOUIS-
VILLE, KY.,

"GENERAL: Yours of the 30th ultimo is just
"received. At present, it is only proposed to
"take and occupy Fort Henry and Dover and,
"if possible, cut the railroad from Columbus
"to Bowling Green. The roads are in such a
"horrible condition that troops cannot move
"by land. How far we may venture to send
"the gunboats up the river, will be left for after
"consideration. The mortar-boats are a failure:
"they cannot be taken up the river; and it
"remains to be determined whether the gun-
"boats are worth half the money spent on
"them. Only a part of them have yet received
"crews.

"The garrison of Fort Henry, at last accounts,
"was six thousand; it may be further reinforced
"from Columbus.

"Keep me informed of your forces and plans;
"and I will endeavor to assist you as much as
"possible. If we take Fort Henry and con-
"centrate all available forces there, troops
"must be withdrawn, either from Bowling
"Green or Columbus, to protect the railroads.
"If the former, you can advance; if the latter,
"we can take New Madrid and cut off the river
"communication with Columbus. But it will
"take some time to get troops ready to advance
"far South of Fort Henry.

"Very respectfully,

"Your obedient servant,

"H. W. HALLECK, Major-general."

"(By Mail.)

"HEADQUARTERS DEPARTMENT OF THE OHIO, }

"LOUISVILLE, February 5, 1862. }

"GENERAL: My plan of operations was
"sketched in the letter which I wrote you on
"3d ultimo. You have, I learn from your
"letter and dispatches, entered upon what I
"would have concurred in, on your side; and
"that is a very important part of it. I regret
"that we could not have consulted upon it
"earlier, because my work must, at first, be
"slow. Besides, since I wrote you, those plans
"have been changed, or at least suspended, in
"consequence of the diversion of a large part
"of my efficient force for other objects, which
"the General-in-chief urged as of primary
"importance, namely, an advance into East
"Tennessee. I have, however, in consequence
"of the want of transportation and, more than
"all, the impassible condition of the roads,
"urged him to allow me to resume my original
"plan; and, if I am not restricted, shall enter on
"its execution at once. My troops have, how-
"ever, been thrown somewhat out of position;
"and it will take some days to get them into
"place. My progress, too, must be slow, for
"we are dependent on the railroad for supplies,
"and that we must repair as we go—the
"enemy having very much damaged it between
"Green-river and Bowling Green—forty miles.
"That will take ten or twelve days. I must go
"provided with a siege-train, because the
"enemy is strongly intrenched, with heavy
"artillery, behind a river; and the condition of
"the roads will, I fear, effectually bar any plan
"of attack which will depend on celerity of
"movement.

"I think it is quite plain that the centre of
"the enemy's line—that part which you are
"now moving against—is the decisive point of
"his whole front, as it is also the most vulner-
"able. If it is held, or even the bridges on the
"Tennessee and Cumberland-rivers destroyed,

"and your force maintains itself near those points, Bowling Green will rapidly fall, and Columbus will soon follow. The work which you have undertaken is, therefore, of the very highest importance, without reference to the injurious effects of a failure. There is not, in the whole field of operations, a point at which every man you can raise can be employed with more effect or with the prospect of as important results.

"Very respectfully,

"Your obedient servant,

"D. C. BUELL.

"General H. W. HALLECK, Brigadier-General,
"St. Louis, Missouri."

"(By Telegraph.)

"St. Louis, February 7, 1862.

"GENERAL BUELL, LOUISVILLE:

"Your letter of the 5th just received. I agree with you, entirely. Bowling Green must be given up, if we hold our position. The enemy will concentrate at Nashville, Clarksville, or Paris, or will attempt to regain his lost advantage at Fort Henry or Dover—I think the latter. It is all-important that we hold our position and advance towards Nashville. I fear I may not be able to do this without more troops. If, from the condition of the roads, you can neither threaten nor attack Bowling Green, nor follow him to the Cumberland, I advise the sending of every man not necessary to sustain your lines on Green-river, down the Ohio, to operate up the Cumberland or Tennessee. If we can hold Fort Henry and move up these rivers, you will have no further difficulty about Bowling Green. The enemy must abandon it and fall back. If he moves all his forces against me, on the Tennessee, I may not be able to resist him, but will do everything in my power. I have only fifteen thousand men at Fort Henry and Dover. I throw out these suggestions for your consideration. If you can help me still further I know you will do so.

"H. W. HALLECK."

"(By Telegraph.)

"St. Louis, February 7, 1862.

"GENERAL BUELL, LOUISVILLE:

"Fort Henry is ours. The enemy is retreating on Paris, pursued by our Cavalry. He has been compelled to abandon part of his artillery. The gunboats will proceed up the river, as far as may be safe. It is believed the enemy is concentrating his forces at Paris, to operate on our flank. It will require every man we can get to hold him in check there, while a column is sent up the Tennessee or Cumberland, or both, to destroy bridges. We are much in want of artillery. Send down as many light batteries as you can spare. Gen-

eral Grant expects to take Fort Donelson, at Dover, to-morrow. If troops are sent up the Cumberland, they will be preceded by gunboats.

"H. W. HALLECK."

It is unnecessary to encumber this article with more extracts from the official record of the first act of this important Campaign. I sent four organized Brigades, with artillery, and eight separate Regiments—in all, twenty-four Regiments—by water, to reinforce General Halleck's columns on the Tennessee and Cumberland; and, as the apprehensions of his failure increased, was in the act of reinforcing him still further, when the news of the fall of Donelson were received. I shall permit myself to make some reflections on the features of the Campaign.

Fort Henry surrendered to the gunboats, under Commodore Foote, on the seventh of February; General Grant appeared before Fort Donelson, on the afternoon of the twelfth; my troops came in front of Bowling Green, at daylight, on the morning of the fourteenth; found the bridges in flames and the place evacuated; commenced crossing the river and demonstrating toward Nashville. Owing to the great difficulty of crossing the river, which was swollen out of its banks at Bowling Green, I did not arrive opposite Nashville until the twenty-third; but the effect had been produced; and I had been expected at Nashville for a week. Fort Donelson surrendered on the sixteenth.

A glance at the map of Kentucky and Tennessee will show what effect these several movements had on each other. FIRST, the movement up the Tennessee and Cumberland not only prevented the enemy from concentrating against the movements through Bowling Green, but caused him to divide his force to such an extent, that he deemed it impracticable to offer successful resistance to my advance; but it did not directly cause the evacuation of Bowling Green, because that occurred four days before the surrender of Donelson—before, indeed, the attack commenced, and when the enemy had unflinching confidence in his ability to defeat it. SECOND: My operations against Bowling Green and Nashville prevented the enemy from concentrating upon General Grant and defeating him. As it was, and notwithstanding the twelve of my Regiments, say ten thousand men, which helped to make up General Grant's force of thirty thousand or thirty-five thousand, General Halleck declared to me, in an official communication, that he had been sorely pressed. Again, the advance through Bowling Green rendered the reinforcement of Donelson perilous and its defense, beyond a certain period, hopeless; and

"Johnston is moving toward Decatur and burning the bridges as he goes.

"D. C. BUELL."

"St. Louis, March 4, 1862,

"GENERAL BUELL, NASHVILLE :

"If Johnston has destroyed the railroad and bridges in his rear, he cannot return to attack you. Why not come to the Tennessee, and operate with me to cut Johnston's line with Memphis, Randolph and New Madrid. Columbus has been evacuated and destroyed. Enemy is concentrating at New Madrid and Island No. 10. I am concentrating a force of twenty thousand against him. Grant, with all available force, has gone up the Tennessee to destroy connection at Corinth, Jackson, and Humboldt. Estimated strength of enemy at New Madrid, Randolph, and Memphis is fifty thousand. It is of vital importance to separate them from Johnston's army. Come over to Savannah or Florence; and we can do it. We then can operate either on Decatur, or Memphis, or both, as may appear best.

"H. W. HALLECK."

"NASHVILLE, March 5, 1862.

"GENERAL HALLECK, St. Louis :

"Your views accord with my own, generally; but some slight modifications seem to me necessary. At least there are details about which we ought to be able to consult freely. Can we not meet in Louisville in a day or so? I think it very important. The concentration of my troops and transportation cannot be completed for some days. We have had two formidable rivers to cross, and have forced ourselves here, without transportation or baggage.

"The thing which I think of vital importance is that you seize and hold the bridge at Florence, in force. Johnston is now at Shelbyville, some fifty miles South of this. I hope you will arrange for our meeting at Louisville.

"D. C. BUELL."

"St. Louis, Mo., March 6, 1862.

"GENERAL BUELL, NASHVILLE :

"I cannot possibly leave here at the present time. Events are passing on so rapidly that I must be all the time in telegraphic communication with Curtis, Grant, Pope, and Commodore Foote. We must consult by telegraph. News down the Tennessee that Beauregard has twenty thousand men at Corinth, and is rapidly fortifying it. Smith will probably not be strong enough to attack it. It is a great misfortune to lose that point. I shall reinforce Smith as rapidly as possible. If you could send a Division, by water, around into the Tennessee, it would require only a small amount of transportation to do it. Would receive all its supplies by the river.

"H. W. HALLECK."

"NASHVILLE, March 9, 1862.

"GENERAL HALLECK, St. Louis :

"I did not get your dispatch of the 6th until yesterday—that of the 8th yesterday. I suggest the following: The enemy can move from one side of the river to the other, at pleasure; and, if we attempt to operate on both sides, without the same facility of transit, we are liable to be beaten in detail. The point I previously suggested is the only one from which we can operate centrally. That secured, we can act according to circumstances, either way. If you occupy that point, I will reinforce you by water or join you by land. Otherwise, I may detach too little to serve you, or else so much as to endanger Middle Tennessee, the importance of which I need not allude to. If we could meet, I think we could better understand each other.

"D. C. BUELL."

"St. Louis, March 10, 1862.

"GENERAL BUELL, NASHVILLE :

"My forces are moving up the Tennessee river, as rapidly as we can obtain transportation. Florence was the point originally designated; but, on account of enemy's forces at Corinth and Humbolt, it is deemed best to land at Savannah, and establish a depot. The transportation will serve as ferries. The selection is left to C. F. Smith, who commands the advance. Pope has turned Island No. 10; but, the enemy shows no disposition to evacuate. Curtis is asking for reinforcements in Arkansas. I must send him some troops intended for the Tennessee. You do not say whether we are to expect any reinforcements from Nashville.

"H. W. HALLECK."

"NASHVILLE, March 10, 1862.

"GENERAL HALLECK, St. Louis :

"The possession and absolute security of the country North of the Tennessee river, with Nashville as a center, is of vital importance, both in a political and military point of view. Under no circumstances should it be prolonged. It enables us, with the Tennessee as a base, to operate, East, West, and South. All our arrangements should look to a centralization of our force, for that object. We cannot tell, now, which direction to take when we get within reach of the enemy. You cannot well tell what force you may meet at the West; still less can I tell what may come in the direction of Stevenson.

"With this view, the establishment of your force on this side of the river, as high up as possible, is evidently judicious; and, with the same view it, would be unnecessary and unadvisable to change the line in which I propose to advance. I can join you almost, if

precluded it. But it is evident that the idea of moving upon Florence must have been abandoned in almost the same breath; for there is in existence, a dispatch dated about the twentieth, from General Halleck to his subordinates, on the Cumberland, calling on them to rally for a struggle in the vicinity of Nashville, such, he predicted, as this Continent had never witnessed; and I myself received the following dispatch:

"ST. LOUIS, February 20, 1862.

"GENERAL BUELL: We are in possession of Clarksville, in large force, with plenty of supplies. Move to that place rapidly by forced marches and effect a junction. Send all available troops around that can reach there by water sooner than by land. Don't hesitate a moment. If you will come, we are sure of Nashville and Columbus, and perhaps Memphis also. Answer, yes or no.

"H. W. HALLECK."

But, while, at one moment, General Halleck was proposing to me that we should move conjointly upon Florence, to compel the evacuation of Nashville, and, at the next moment, was rallying his forces for a terrible struggle on the Cumberland itself, I was actually taking possession of Nashville; and his plans were unnecessary for either object. So the only opposition to his plans, in that instance, was in the current of events, which flowed on and left his plans behind. I do not impute this to General Halleck as a folly; but it may serve to teach General Sherman, if he can find no lesson in his own experience, that infallibility in the business of war is of very rare attainment.

The truth is, that the "enemy's second line," of which General Sherman talks, did not exist until the first was destroyed. It is immaterial who originated the idea of "pushing on" to it. It was the natural sequel of the first step. The defense was organizing in the vicinity of Corinth; and to that quarter the attack would naturally tend. The following dispatches will show the history of the consultations with reference to it:

"NASHVILLE, March 1, 1862.

"MAJOR-GENERAL MCCLELLAN, WASHINGTON:

"Yours of yesterday and to-day received. I have two Divisions, say eighteen thousand men, and thirty-six pieces of artillery. McCook's Division will cross to-morrow. Wood will close upon him, I think, by the day after. I have sent the troops back to Clarksville. 'Johnson will not stand at Murfreesboro'—in fact is preparing to get out of the way. I hope to be able to crowd him a little. Their plan seems to be to get in rear of the Tennessee, and in positions to concentrate either on Halleck or me, I will say more about this when my information is clearer, and until then I

"cannot well determine my movements. You are aware that, for reasons given some time ago, Custer's is the only column moving toward East Tennessee. I have not heard of his being beyond Cumberland Ford.

"D. C. BUELL."

"WASHINGTON, March 2, 1862,

"GEN. BUELL, NASHVILLE:

"I have telegraphed General Halleck that it is important to seize Decatur, and thus cut General A. S. Johnson from Memphis and Columbus. Of course you must hold Nashville firmly; and Chattanooga is a very important point to gain. Arrange details with Halleck. Co-operate fully together; and give him all assistance you can. Push Custer forward as rapidly as possible. What is Garfield doing?

"G. B. MCCLELLAN."

"(By Telegraph.)

"NASHVILLE, March 3, 1861.

"GENERAL MCCLELLAN, WASHINGTON:

"Dispatch received. I have four Divisions up—three and a half on this side of the river—those coming by land, I can't get exactly at what Halleck is doing, and, therefore, can't see how to assist him, at this moment, if he should need it. I have proposed an interview with him; and would like you to be present. He has to defer it a few days. I sent Garfield to chase Marshall entirely out of Kentucky. Have not heard from him recently. It will bring him down toward Cumberland Gap; and I will unite him with Custer, who, in the meantime, I hope, will have gained some advantage at the Gap.

"Use all your persuasion against the appointment of a Military Governor for Tennessee. It will do infinite harm. Beg the President to wait.

"D. C. BUELL."

I had, on the first, suggested to General Halleck, that we should meet and consult with reference to future operations.

"ST. LOUIS, March 3, 1862.

"GENERAL BUELL, NASHVILLE:

"Columbus is nearly turned. The mortar-boats will bombard it this afternoon; and Pope will attack New Madrid to-morrow morning. * * * I will make an appointment to meet you as soon as the Columbus movement is ended.

"H. W. HALLECK."

"NASHVILLE, March 3, 1862.

"GENERAL HALLECK, ST. LOUIS:

"What can I do to aid your operations against Columbus? Remember I am separated from you by the Tennessee-river.

"Johnston is moving toward Decatur and burning the bridges as he goes.

"D. C. BUELL."

"St. Louis, March 4, 1862,

"GENERAL BUELL, NASHVILLE :

"If Johnston has destroyed the railroad and bridges in his rear, he cannot return to attack you. Why not come to the Tennessee, and operate with me to cut Johnston's line with Memphis, Randolph and New Madrid. Columbus has been evacuated and destroyed. Enemy is concentrating at New Madrid and Island No. 10. I am concentrating a force of twenty thousand against him. Grant, with all available force, has gone up the Tennessee to destroy connection at Corinth, Jackson, and Humboldt. Estimated strength of enemy at New Madrid, Randolph, and Memphis is fifty thousand. It is of vital importance to separate them from Johnston's army. Come over to Savannah or Florence; and we can do it. We then can operate either on Decatur, or Memphis, or both, as may appear best.

"H. W. HALLECK."

"NASHVILLE, March 5, 1862.

"GENERAL HALLECK, ST. LOUIS :

"Your views accord with my own, generally; but some slight modifications seem to me necessary. At least there are details about which we ought to be able to consult freely. Can we not meet in Louisville in a day or so? I think it very important. The concentration of my troops and transportation cannot be completed for some days. We have had two formidable rivers to cross, and have forced ourselves here, without transportation or baggage.

"The thing which I think of vital importance is that you seize and hold the bridge at Florence, in force. Johnston is now at Shelbyville, some fifty miles South of this. I hope you will arrange for our meeting at Louisville.

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"I cannot possibly leave here at the present time. Events are passing on so rapidly that I must be all the time in telegraphic communication with Curtis, Grant, Pope, and Commodore Foote. We must consult by telegraph. News down the Tennessee that Beauregard has twenty thousand men at Corinth, and is rapidly fortifying it. Smith will probably not be strong enough to attack it. It is a great misfortune to lose that point. I shall reinforce Smith as rapidly as possible. If you could send a Division, by water, around into the Tennessee, it would require only a small amount of transportation to do it. Would receive all its supplies by the river.

"H. W. HALLECK."

"NASHVILLE, March 9, 1862.

"GENERAL HALLECK, ST. LOUIS :

"I did not get your dispatch of the 6th until yesterday—that of the 8th yesterday. I suggest the following: The enemy can move from one side of the river to the other, at pleasure; and, if we attempt to operate on both sides, without the same facility of transit, we are liable to be beaten in detail. The point I previously suggested is the only one from which we can operate centrally. That secured, we can act according to circumstances, either way. If you occupy that point, I will reinforce you by water or join you by land. Otherwise, I may detach too little to serve you, or else so much as to endanger Middle Tennessee, the importance of which I need not allude to. If we could meet, I think we could better understand each other.

"D. C. BUELL."

"St. Louis, March 10, 1862.

"GENERAL BUELL, NASHVILLE :

"My forces are moving up the Tennessee-river, as rapidly as we can obtain transportation. Florence was the point originally designated; but, on account of enemy's forces at Corinth and Humbolt, it is deemed best to land at Savannah, and establish a depot. The transportation will serve as ferries. The selection is left to C. F. Smith, who commands the advance. Pope has turned Island No. 10; but, the enemy shows no disposition to evacuate. Curtis is asking for reinforcements in Arkansas. I must send him some troops intended for the Tennessee. You do not say whether we are to expect any reinforcements from Nashville.

"H. W. HALLECK."

"NASHVILLE, March 10, 1862.

"GENERAL HALLECK, ST. LOUIS :

"The possession and absolute security of the country North of the Tennessee-river, with Nashville as a center, is of vital importance, both in a political and military point of view. Under no circumstances should it be prolonged. It enables us, with the Tennessee as a base, to operate, East, West, and South. All our arrangements should look to a centralization of our force, for that object. We cannot tell, now, which direction to take when we get within reach of the enemy. You cannot well tell what force you may meet at the West; still less can I tell what may come in the direction of Stevenson.

"With this view, the establishment of your force on this side of the river, as high up as possible, is evidently judicious; and, with the same view it, would be unnecessary and unadvisable to change the line in which I propose to advance. I can join you almost, if

"not quite, as soon as by water, in better condition, and with greater security to your operations and mine. I believe you cannot be too promptly nor too strongly established on the Tennessee. I shall advance in a very few days—as soon as our transportation is ready."

"D. C. BUELL."

"WASHINGTON, March 10, 1862.

"GENERAL BUELL, NASHVILLE:

"The evidence is very strong that the enemy in front of us here is breaking up and moving off. General McClellan is after him. Some part of the force may be destined to meet you. Look and be prepared. I telegraphed Halleck, asking him to assist you if needed."

"A. LINCOLN."

The foregoing dispatches are sufficient to show the gist of the consultation which preceded the operations against the enemy's "second line." They do not betray any opposition—they scarcely present any great difference of conviction—they show merely a discussion, while we were preparing our forces for action, in regard to points which could have been adjusted in a few hours' personal consultation, but which occupied a number of days by the tedious and unsatisfactory means of telegraphing.

It is no part of my present purpose to criticise General Halleck's views in regard to those points or to enforce my own. We were independent commanders. We owed no apology for any opposition which we deemed it our duty to make to the views of each other; and the charge of opposition could as well be made against one as against the other.

Equally unfounded is the imputation of unnecessary delay, resulting from opposition or any other cause. My army moved as soon as it was ready to move. It made its movements, from the first, through the snows and floods of Winter and Spring, by actual marching; and, from that time to the present, during the War, no movements have been made, by as large a force, under similar circumstances, with greater promptness and celerity. General Halleck carried his troops up the Tennessee-river on steamers, without the means of moving twenty miles from its banks; and, of course, to that extent, he moved so much more rapidly as steamers can run faster than men can walk; but, when it came to marching by land, we do not find more alacrity in starting or celerity in overcoming distance than other armies have exhibited. It took one month, after the battle of Shiloh, to prepare for a Campaign which the enterprise of the enemy precipitated; and nearly a month longer to overcome the sixteen miles which separated the opposing armies. What had the pretended delays at Nashville to do with this consumption of time in—as General

Sherman expresses it—"pushing on the second line?" Nothing. The truth is, General Halleck had not, on the ground, the means of moving away from the river earlier than he did; and if he desired to move on the river, there certainly would not have been more temerity in throwing himself between the widely-divided columns of the enemy than in placing himself within arm's reach of their united force. I am not now criticising General Halleck. I am exposing the indiscreet pretensions and unfounded assertions of his friends. When more responsible persons than General Sherman shall avow these imputations of delay, I shall have further, then, to say on that subject.

D. C. BUELL.

NEW-YORK, August 31, 1865.

III.—THE NORTH-EASTERN BOUNDARY OF NEW JERSEY.—CONTINUED.

II.

REMARKS OF HON. J. ROMEYN BRODHEAD BEFORE THE NEW YORK HISTORICAL SOCIETY.

At the meeting of the NEW YORK HISTORICAL SOCIETY, on Tuesday, the sixth of June, 1865, the Honorable JOHN COCHRANE, Attorney-general of the State of New York, read an interesting paper, which he had prepared, showing that "the Kills" and other waters between Staten Island and New Jersey, are really part of the Hudson-river, and New York waters.

Before the President put to vote the resolution of thanks, which the Society unanimously adopted,

Mr. JOHN ROMEYN BRODHEAD said, that the paper just read by his old friend and colleague in public service, General COCHRANE, was very gratifying evidence that our ablest statesmen did not always allow themselves to be drawn wholly away from scholarly pursuits, by the claims of official duty or the clamorous demands of mere partisan politics. It was not often that the highest law-officer of the State was found to possess either the taste or the training of a historical student; and when such an accomplished specimen was actually caught, it would be well to prize him as a sort of modern "*lusus naturæ*." The Attorney-general's paper, however, suggested a point, which was of great interest in American history, and particularly in New Jersey history; and which, up to this moment, was believed to be entirely novel.

Mr. BRODHEAD proceeded to state it, as follows:

The constant opposition of the early Colonial authorities of New York to the dismemberment of its territory, as granted by King Charles the Second to his brother James, in March, 1664, by the Duke of York's transfer of "Albania," or New Jersey, to John, Lord

Berkeley, and Sir George Carteret, in the following June, is, of course, familiar to those acquainted with American history.

The transfer was a very improvident act, which the Duke afterwards regretted, and which he would never have executed, if he had been properly advised. It was done in haste; while the expedition sent to seize New Netherland was yet at sea; and, apparently, through the cajolery of the infamous Captain John Scott. No steps were taken by the Duke's grantees to secure their own possession of New Jersey, until dispatches were received from Nicolls that he had conquered New Netherland from the Dutch. It was not until June, 1665, that Philip Carteret arrived in America, as Governor of New Jersey; and then, for the first, Nicolls learned what had been so unwisely done by his chief, after he had left England. Forten months he had exercised undeniable authority over the entire region between the Hudson and the Delaware, by virtue of his Commission, as Governor, from the Duke of York, of the second of April, 1664. As soon as he heard the unwelcome news, Nicolls wrote earnestly to the Duke, remonstrating against his improvident cession of New Jersey and proposing that Berkeley and Carteret should give up their prize, and take, in exchange, the territory on the Delaware, which had been reduced from the Dutch; (*New York Colonial Documents*, iii., 105; *Chalmers' Political Annals*—who gives the date erroneously, as November, 1665,—624, 625.) On the ninth of April, 1666, Nicolls urged the same suggestion to Lord Arlington, the English Secretary of State: (*Colonial Documents*, iii., 113, 114.) When he returned to England, the late Governor of New York carried with him a letter from Maverick, his fellow Royal Commissioner, to Lord Arlington, dated the twenty-fifth of August, 1668, in which the inconvenience of the Duke's release of New Jersey was demonstrated. (*Colonial Documents*, iii., 174.)

The presence of Nicholls at Court, however, seems to have effected, what much trans-Atlantic correspondence might never have accomplished. Its first fruit was to drive Captain Scott, the contriver of the New Jersey release, in disgrace from Whitehall. Its next result was an authoritative judgment that *Staten Island belonged to New York, and not to New Jersey*. Moreover, the personal representations of Nicolls convinced the Duke of York that he had been duped into doing a very foolish thing, when he severed his American Province. James, accordingly, took steps to regain New Jersey. It was not difficult for him to do this. Sir George Carteret was in Ireland, of which he had been appointed Lord Treasurer, in 1667. Lord Berkeley, who had been one of the Commissioners of the Duke of York's private estate, had just been detected

in the basest corruption; and was now turned out of all his offices at Court. (*Pepys, Bohn's ed.*, 1858, iii., 167, 172, 174, 331; iv., 28; *Burnet*, i., 267.) He was glad enough to win the Duke's favor by offering to surrender New Jersey to him; and Carteret, at Dublin, willingly confirmed his partner's offer, especially as they were to receive the Delaware territory in exchange.

The evidence of this interesting, and *hitherto unknown*, feature in American Colonial History, has recently come to light in the *Winthrop Papers*, now in course of publication by The Massachusetts Historical Society. On the twenty-fourth of February, 1669, Maverick wrote from New York, to Governor Winthrop, of Connecticut, that Governor Lovelace had just received a letter from his predecessor, Nicolls, at London, announcing that "Staten Island is adjudged to be long to N: Yorke. The L. Barkley is under a cloud, and out of all his offices, and offers to surrender up the Patent for N. Jarsey. Sir G: Carterett, his partner, is in Ireland, but it is thought he will likewise surrender, and then "N. Yorke will be enlarged." (*Massachusetts Historical Society's Collections*, xxxvii., 315.) Carteret appears to have promptly assented to the proposed surrender; and the transaction was regarded on all sides as complete, for Sir George wrote to his brother Philip, the Proprietors' Governor, at Elizabethtown, in June, 1669, that "New Jarsey is returned to his Royall Highness, by exchange for Delawar, * * * some tract of land, on this side the river & on the other side, to reach to Maryland bounds," (*Massachusetts Historical Society's Collections*, xxxvii., 319.)

Yet, while man proposes, God disposes. Neither the surrender nor the exchange, thus arranged, were ever accomplished. The restoration of Charles the Second to the sovereignty which that grand old statesman, Oliver Cromwell, had administered with such splendid ability, was followed by the most disgraceful poltroonery which marks the annals of sycophantic and title-loving Englishmen. The Court became vicious, to a proverb. Sir George Carteret was expelled the House of Commons, for corruption, in the Autumn of 1669; but he still held his place of Treasurer of Ireland. Early in the Spring of 1670, Lord Berkeley, the disgraced swindler of the Duke of York, was, by the favor of the King, made Lord Lieutenant of Ireland, where he joined his co-partner, Carteret. Both the New Jersey grantees were also proprietaries of Carolina, of which Berkeley had just become Palatine, on the death of the Duke of Albemarle. At this moment, Lord Baltimore, an influential Irish peer, revived his old claim to the Delaware territory, which, he insisted, belonged to himself, as proprietor of Maryland, and not to the Duke of York, as the English representative of its

ancient Dutch owners. (*Colonial Documents*, iii., 70, 113, 186.)

This Delaware question was a very nice one, for it raised several ugly points about the original title to New Netherland, which the English had usurped from the Dutch. It was handled very gingerly, for several years; and was not definitely settled against Maryland, by the Privy Council, until 1685. Meanwhile, Lord Baltimore was a powerful peer of Ireland; and might give her Lieutenant and Treasurer much trouble, if they made him their personal enemy. On comparing notes, at Dublin, Berkeley and Carteret thought it their best policy to let the Duke of York fight out the Delaware question with Lord Baltimore, in London; and, in the mean time, they evaded the fulfilment of their agreement with James, and retained New Jersey. After the death of Nicolls, in 1672, they even prevailed on the Duke to write to Lovelace, fully recognizing their rights, as grantees of the Province. In August, 1673, the whole of ancient New Netherland, including New York, New Jersey, and Delaware, was reconquered by the Dutch. The Treaty of Westminster restored these acquisitions, to Charles the Second, in February, 1674. In the following June, the King, by a new Patent, regranted to his brother James, the entire territory of New York and New Jersey. What the Duke did, after he received his second Patent, it is not my purpose now to explain. I will only remark, that the decision which, in 1669, adjudged Staten Island to belong to New York, has never been disturbed.

From this history of the matter, it is clear that if Berkeley and Carteret had performed their agreement with James, in 1669, the State of New York, at this moment, would have included the present State of New Jersey. The partners who surrendered their Patent would, doubtless, have received a Patent for Delaware, directly from the King. After the Treaty of Westminster, all parties would have stood as they did before the Dutch war. The controversy with Lord Baltimore would not have been protracted until the accession of James the Second. But the inscrutable wisdom of the Almighty decreed that human weakness should work great ends; and—as far as we can now see—it is owing to the faithlessness of Berkeley and Carteret to the Duke of York, in 1670, that New Jersey exists as an independent State.

III.

LETTER FROM MR. BRODHEAD, ENCLOSING A COPY OF HIS LETTER TO MR. WILLIAM A. WHITEHEAD, OF NEWARK, N. J.

New York, 25th July, 1865.

HENRY B. DAWSON, Esq., Editor of *The Yonkers Gazette*.

SIR: As a note from William A. Whitehead,

of Newark, N. J., induced me to write out my remarks at the meeting of our N. Y. Historical Society, on the 6th of June last—which, at your request, were published in *The Yonkers Gazette*—it seems to be proper that I should communicate to you the following copy of a letter which I addressed to Mr. Whitehead, in reply, enclosing those remarks, as they appeared in your issue of the 8th instant.

I am, Sir, Sincerely yours,
JOHN ROMEYN BRODHEAD.

[MR. BRODHEAD'S LETTER TO MR. WHITEHEAD.]

NEW YORK, 8th July, 1865.

WILLIAM A. WHITEHEAD, Esq., &c., Newark, N. J.

MY DEAR SIR: According to my promise, in acknowledging your note of the 7th ultimo, I enclose a copy, (from *The Yonkers Gazette*, of this day,) of my remarks at the meeting of our New York Historical Society, on the 6th of June.

I think it is now proved that Staten Island was adjudged to belong to New York, as early as 1669; and that, in the same year, Berkeley and Carteret agreed to restore New Jersey to the Duke of York.

It would have been as well, perhaps, if I had added, in my remarks, that Lovelace's purchase of Staten Island from the aborigines, in 1670, shows, further, that, at that time, all parties concurred in recognizing the Duke as the only European proprietor of that Island.

He certainly was so, at the Dutch reconquest, in 1673; and he became its grantee, directly from the King, a second time, in 1674. The Duke's subsequent release to Carteret, (in several,) of the same year, must, of course be taken as not including Staten Island; because identical words of description, with those in his first release to Berkeley and Carteret, are employed; and because, under those words, the Island had been "adjudged" to belong to New York.

The claim set up in 1681, by the representatives of Sir George Carteret, was, as you know, never admitted by the Duke's authorities, who felt that the original adjudication of 1669—which gave Staten Island to New York—could not be disturbed.

Yours, very sincerely,
JOHN ROMEYN BRODHEAD.

[TO BE CONTINUED.]

IV.—Y^e FRAUDULENT, CORRUPT, AND VICIOUS TRANSACTIONS OF Y^e ANCIENT PURITANICAL LAND-GRABBERS, IN DOVER, N. H.*

FROM THE NEW HAMPSHIRE ARCHIVES.
To the Honourable John Wentworth the Esq^r

* Communicated by Captain W. F. Goodwin, U. S. A.

Comand^r In Chief in and over His Majestys' Province of New Hampsh^r To The Hon^{ble} the Council and House of representatives convened in General Assembly for Said Province

The humble Petition of Paul Gerrish of Dover in New Hampsh^r aforesaid and several of the principal Inhabitants of Said Town

MOST HUMBLY SHEWETH

That for three years last past the said Paul Gerrish has been Clerk of the Said Town of Dover, and Since the books of the Said Town have been in the Said Gerrish's hands, he has discovered a Great deal of Corruption (or forgery as he apprehends acted and done in the Said books) as he Supposes by those persons (or their permission) whose hands they formerly have been in, and that Said principal Inhabitants of Said Town are Stil of opinion that there are now through the ill actions formerly done a great many forged grants stil produced and br^ot to the lot layers of said Town to be laid out who with great reason Suspecting them refuse to lay them out, and on their refusal those persons who have got those grants apply to the next Town Lotlay^r who lay such grants out, whereby the Town of Dover is very greatly damnified and set in confusion, and if some remedy cannot be found out for their relief will be almost ruin'd.—THEY THEREFORE most humbly Pray That Yo^r Hon^r and the Gen^l Assem will take the premises under your mature Consideration and make Such orders thereupon as may (if possible) rectify the horrible Injustice that has been done the Town by such false entrys and Effectually prevent the Confusion which the Town will otherwise unavoidably be in and Yo^r petition^r as in duty bound Shall Ever pray &c^a

Dec^r 15th 1729—

PAUL GERRISH,
EBEN^r VARNY JUN^r
JAMES CHEELEY
JOHN CANNE
NATH^r YOUNG
W^m FROST
JOHN WALDRON JUN^r
MARK GYLES
EBEN^r VARNY
EDWARD ELLIS
SAM^r JONES
DAN^r GOODIN
ISRA^r HOGSDEN
JOHN TOMPSON
SAM^r DAM
JON^r MERROW
BEN^r HANSON
SAM^r STYLES
JAMES GUPPY
MOSES WINGET

JOHN HAMMOCK,
PAUL WENTWORTH
THOM^r PINKHAM
EPH^r WENTWORTH
JOHN WALDRON
ISRAEL HOGSDEN
WM WELLAND
EZRA KIMBAL
TOB^r HANSON JUN^r
JOSEPH CONNER
GERSH WENTWORTH JUN^r
JOSE^r ROBERTS
WM STYLES
TRIST COFFIN
EL^r WYER JUN^r
GEORGE RICKAR
JOS HANSON JUN^r
SYLV^r NOCK
GERSH WENTWORTH
TOB^r HANSON

JOHN ROERFOR*
NATH^r PERKINS
THO^r MILLIT
NATH^r VARNY
JOHN RICKAR
JOHN YOUNG
ELEAZ^r WYER
EPH^r RICKAR
RICH^d PLUMER

JAMES HOBS
SAM^r WENTWORTH
DAVID WATSON
THOM WALLINGFORD
JOHN WENTWORTH
MOSES HOBS
EBEN^r WENTWORTH
THO^r ALDEN
EBEN^r GARLAND

TRUE COPY

RICH^d WALDRON Cler Con

2.—Action of the Government on the preceding Petition.

IN THE HOUSE OF REPRESENTS

Dec^r. 16: 1729.

The annexed Petition of the Town Clerk of Dover and others of Said Town was read and—

VOTED THEREON—That the Clerk of the Said Town of Dover for the time being be hereby prohibited entering any of those old Comittee Grants that are Suspected not to be legally obtained; and to Enter only Such Grants as have or may be allowed by Said Town on the Select men thereof until the next Siting of the General Assembly and that there be a Comittee chosen by the Gen^l. Assembly to go to the Town Clerk for the Time being who is hereby required to shew unto such Comittee such Entrys matters and things as he or any of the Said Town suppose to be done by ill practice

And the Said Comittee Shall by Virtue hereof summon before them all Such persons that can give any lights in Explaining any matters or things they may see occasion to Examine for discovery of truth and detecting Such vile practices and to give Such persons or persons their oaths, and to make returns of their doings therein to the General Assembly next Session—And That Nath^r. Wear^e Esq^r. and Theo^r. Atkinson Esq^r. be a Comittee of this House to joyn Such as Shall be appointed above for that end, and that the Petitioners pay the Charges.—

JAMES JEFFRY Cler assem

IN COUN Dec^r. 18th. 1729—

Read and Concurr'd and Jothⁿ Odiorne & Henry Sherburne Esq^r. appointed for the Service above.

RICH^d. WALDRON Cler Con

True Copy
Examined

RICH^d. WALDRON Cler Con

3.—Report of the Committee of Investigation.

PROVINCE OF }
NEW HAMP } We whose names are under written being of the Comittee for the Ends within mentioned have been at Dover & upon a strict Enquire of all persons that we tho^t. or Suspected could give us any Information as alsoe

*The name may be Roberts.—W.F.G.

we haveing Seached the Town Book do report Thereon as follows Vz we do finde by the S^d Town book that great forgery & froud hath been ussūd & frequently practized by Entring grants many years back in the Inter spaces of the Book & that the Book hath often been Exposed & Lay open to many persons to Enter what Grants they Saw proper therein, & that we found many of the S^d Originall Grants in the former Town Clerks hand which appeared to us to be fraudulent & Deceetfull which have been Entred in S^d book as a fores^d & that Great Quantities of Land hath been Laid out by Virtue of the s^d Grants by which we Imagine the Town hath been Striped of at Least fifteen Thous^d pounds worth of Land—as uettness our hand, this 24th March 1729/30

JOTHAM ODIORNE
HEN SHEERBURNE
THEODORE ATKINSON } Comtee

4.—*Report of a second Committee of Investigation.*

WHEREAS the Generall Assembly of his Maj^{ty} Province upon reading the report of the Comittee formerly Appointed by S^d Assembly to Examine Dover Town book Wee whose names are hereunto Subscribed were appointed by the Gen^l Assembly to make a more Exact & perticular Inquiry into the Seveⁿ Grants & returns in S^d Book Supposed to be Vicious & Corrupt as ^{the} s^d Vote of the 30th of Decemb^r 1730—will appear & having Strictly Examined s^d Town Books & files as alsoe the former Town Clerk & other Persons from whom we could receive any Insight or In formation & Do report that all the Grants & returns mentioned in this report we Imagine to be fraudulent Corrupt & Vicious for the reasons mentioned with Each record herein recited as—

1st In the Old Book Page [120] a grant made in the 10th of the 11th month [59] & a return made & entred by Cap^t Tho^s Tibbets the Late Clerk & in a Space amongs^t the record^s made many years before he was Clerck & the Time of his recording it was Entred with the s^d Grant & return & afterwards Eraced & the Clerk acknowledged he recorded it beside we Viewed the Originall & find its all of one hand & Signing—

2nd In the New book Page [9] a grant made by a Comittee whereof Will^m furbur was Comittees Clerk for 60 Acres of Land made to the reverend Mr. John Pike Dated the 23^d June 1701 & Confirmed by the Town the 23^d March 1702—This Cap^t Tho^s Tibbets Swears he doth not know how it came upon record & that Doctor Pike had been with him to get the s^d Grant &c recorded but he refused to enter it being as he believed not good — Notwithstanding tis Entred in a Vacancy Left in s^d book formerly & in a Different hand from the

records of that Time & Some oblitterations—

3^d In s^d Book Page [16] a grant made by S^d Comittee for [30] acres of Land To Cap^t Tho^s Tibbets on the 3^d of June 1701—because Entred by Cap^t Tibbets Son Sam^l as he himself Declares upon Oath amongst the records made by Cap^t Tuttle & we observed that the Dates of the record, in the Same page both before & after were In the year [1694] but we could not obtain any Originall

4th In page 19 a grant made to Nich^s Harrison for [60 acres on the 19th of March 1694 & Confirmed by the Town In the moth of April following Entred in a Space amongs^t the records made by Cap^t Tuttle & not in his hand and differing from his S^d Tutties method

5th In P: y^e [27th] a grant made by S^d Comittee to Cap^t Sam^l Tibbets in the Year 1694 recorded in an unusual hand & Crowded in a Vacancy amongs^t the records The Originall Sam^l Carle swears he had of one Burnum & Cap^t Tho^s Tibbets Swears he refused to record it believing it not to be good yet we find it recorded

6 Page (32) a Grant made to Nath^l Tibbets for 30 Acres Dated the 11th April 1694 by S^d Comittee & Confirmed the 16th of the Same month by the Town Crouded in between Tutties record, in an unusual hand & by the Originall it Appears That furbur the Clerk of the Comittees name neither wrote or Spelt as he used to Do & the grant & Confirmation of the Same hand writing—

7th In Page (57) Grant to ffrancis Pittman by The Town april 6th 1702 for forty acres Crowded in with Tutties records in an unusual hand Tho^s Tibbets Swears That he doth not know whether he recorded it or not but that he did Enter Some Grants & returns in Cap^t Tutties Vacancy in S^d book—

8th In Page (62) June the 23^d 1701 a grant by S^d Comittee to Jeremiah Burnum for 50 Acres Entred in one of Tutties Vacancys & by Tibbets himself as he Swears but tis not Signed by Any Clerk—

9th In Page (75) June 23^d 1701—a grant to Nath^l Lumas by the S^d Comittee & Entred by Tibbets in the Bottom of a Leaf with Tuttle records as appears by the hand writing & his acknowledgements & the Different Inck & the Originall appears not to be the writing of Furbur the Clerk of the Comittee which we rec^d from Tibbets

10th Page (76) grant to Roger rose for Three-score Acres of Land & meadow by S^d Comittee the 19th march 1693/4 & Confirmed by the Town the 2^d April 1694 Crowded in amongs^t Tutties Entries In a Different hand & different Collord Inck from the Entry before & After

11th 86th Page Grant to Eli Demerrest for 30

- Acres of Land the 11th April 1694 & Confirmed the 16th April 1694 Tibbets acknowledges he Entred in a Vacancy Left by Tuttle Since he was Clerk—
- 12th 91 Page a grant by the S^d Comittee to John Tuttle & Ezek^l Wentworth for 30 Acres of Land by S^d Comittee June 23^d 1701 Entred by Cap Tibbets at the Bottom of Tuttle's Entries not Confirmed by the Town nor Sign d by the Clerk of the Comittee or Town
- 13th 93^d Page a grant to Jere Burnum for 40 acres April 11th 1694 Crowded in at the Bottom of Tuttle records & Supposed to be Vicious it being in an unusuall hand writing—
- 14 Page [94] a grant by S^d Comittee for 40 acres to Jere Burnum & not confirmed by the Town This Tibbets Upon oath Says he recorded in a Vacancy of Tuttle's record, about 7 years Since
- 15th Page [95]—a grant made by the s^d Comittee to Tho^s Roberts The 11th April 1694 & Confirmed the 16th April following & we find the Grant was made to Tho^s Roberts Tertius which is Left out in the record, & Tibbets Swears he Entred it him Self James Hanson Swears he got the Originall of Ebenz^r Young who told him S^d Hanson if he would get it recorded he Should have half of it and accordingly the S^d Hanson Swears he went to Cap^t Tibbets & gave him two gall^{ns} rum & ord^d abner Young to pay him Twenty Shillings in money for recording it
- 16 Page (98) Granted by S^d Comittee fifty Acres to Rich^d Hussey & Confirmed the 16 April 1694 crowded among^s Tuttle's writing in an unusuall hand & Different Coullord Inck
- 17th Page 101 granted to Abraham Clark the 23^d June 1701—& Confirmed the 6th April 1702 Tibbets Swears he recorded about Three years Since & the S^d Clark Swears that Mishach Drew & Willm Hill asked him about That Time if he would Sell them his grant of Land if they could find it upon record & he promised them they Should have it & Some time after they told him it was recorded & then bargained with him for Ten pounds & About this Time the S^d Clark asked Cap^t Tibbets if he had any Grant & he told him he did not love to Enter Such falls Things—
- 18th 103 Page a grant by S^d Comittee to Pumphtret Whitehouse June 23 1702 for 50 acres entred amongs^t Tuttle's records & Tibbets he recorded it him Self and by the originall it appears not to be furburs Writing it being different from his hand & his name not Spelt right
- 19 Page [104]—a grant by S^d Comittee for 50 acres of the 19th of march 1693/4 Confirmed the 11th of April 1694 made to Bryant Higgins This Tibbets Swears he recorded amongs^t Tuttle's records & that Tho^s Davis Bro^t to him about 5 years Past to have it recorded
- 20th Page 105 a grant by S^d Comittee to Rob^t Allen in the year 1701 & Confirmed 6th April 1702 for 40 acres Tibbets Swears he recorded amongst Tuttle's records about four years past
- 21—Page 113 [11th 1701 a Grant by S^d Comittee for 40 acres of Land this Tibbets Swears he Entred about 5 or 6 years Since & in a vacancy in Tuttle's Entries the Original appears to be altrd & not writ by furbur the Clerk it differing Both in writing and Spelling
- 22 Page 120) June 3^d 1701 granted by S^d Comittee to George Chesley & Confirmed by the 23^d March 1702—50 acres of Land Entred by Tibbets as he Swears about 5 years Since & the Originalls it appears that The Grant & Confirmation to be both of One hand & yet neither furburs nor Tuttle's writing.
- 23^d Page 130—In The year 1699 & no Day nor month a grant made by the Selectmen to Jos Jenkins 40 Acres which Tibbets Swears he Entred him Self & among^s Tuttle's records & Swears he Signed the Originall not as a Select men but as a witness he remembring the grant to have been made about the year above s^d which Induced him to write the Grant and record it
- 24 Page 131—April 11th 1694 Granted by S^d Comittee to Joseph Smith Jun^r & Confirmed the 16th Day of April 16th April 1694 Tibbets Swears he recorded amongs^t Tuttle's records & that the Originall was altrd & Obliterated before he Entred it from 60 acres to 40—acres—
- 26 132^d Page—granted June 23^d 1701 by the Comittee afores^d 30 Acres to Nath^l Pittman Tibbets Entred among^s Tuttle's records about 5 or 6 years Since & the Originall appears not to be furburs writing & much Interlined
- 27 Page 136 June 23^d 1701 granted by S^d Comittee to John Rand forty acres of Land which is not Confirmed by this Town This Tibbets Entred with Tuttle's records about 5 or 6 years Since—
- 28 Page 139—June 23^d 1701 a grant to Joseph Jenkins by Said Comittee Tibbets Swears he Entred about Seven years ago—
- 29 Page 144) May 28th 1701 a grant to John Pinkham for Twenty Acres the originall appearing not to be the writing of the s^d furbur nor his Signing his name not being Spelt Right—
- 30 Page 147—April 11 1701—a grant by the Comittee to John Hanson for 60 acres not Confirmed by the Town & y^e originall neither wrote nor Signed by the Clerk.
- 31 Page 149 April 11—1694 granted by the Comittee to Joseph Joanes 40 acres who Says

- that he had the Original from Burnum & that he Got it allowed by the Select men Since & had it recorded for the comon fees
- 32 Page 151—a grant by the Committee of the 11th April 1693/4 to Richard randell for 30 acres—this grant Nath^l randell Swears he had of Burnum & Cap^t Tibbets Swears he recorded it but the Original appears not to be the hand writing of ffurbur nor Signed by him—
- 33 Page [152] June 23^d 1701—Granted to James Davis 60 acres of Land Entred by Tibbets the original grant being much Interlined & Scrached Coll Davis Says Upon Oath that Burnum asked him what he would give him for a grant of Land & S^d Davis answerd he knew of no Grant but what was upon record & that his Son Some time after went to Burnum & got the grant & Carried it to Cap^t Tibbets to record
- 34th Page [153] granted by S^d Committee to Sam^l Cheny 40 acres april 11—1694—but not Confirmed—Entred by Tibbets but the original not furburs writing nor Signing—
- 35 Page [154] June 23^d 1701 Granted by the S^d Committee to Richard Clay not Confirmed nor wrote nor Signed by the Clerk of S^d Committee
- 36 Page 154—April 6th Day 1702—granted at a Town meeting to Sam^l Perkins 30 acres of Land the Original not wrote or Signed by the Committee
- 37 Page [153] June 23 1701 a grant by the Committee to Ely Demerret for 10 Acres under the Same Circumstances as the above grant
- 38 Page [155] June 23^d 1701 granted by the Committee to Amos Pinkham 40 acres not Confirmed by the Town & the original not Signed by the Committee or any Clerk and yet in the record Willm ffurbur is Entred as Clerk
- 39 Pages 155 June 23^d 1701 a grant by the Committee to James Nute of 40 acres not wrote, or Signed by ffurbur the Clerk
- 40 Page [156] March 19th 1693/4 a grant by S^d Committee to Trustrum Heard for 30 acres vicious for reasons mentioned in James Nutes grant afore S^d
- 41 Page [157] May 2^d 1701 granted by the Committee to Josh Ham 20 acres Vicious for the Same reasons—
- 42 Page 158, april 11 1694 granted By the Committee to Rob^t Huggins 30 Acres the Original Interlined & other wise Vicious for the reasons above S^d
- 43 Page (158) June 23^d 1701 a Grant by the Committee to Josh^h Richards for 60 acres Confirmed the 23 March 1702 both Grant & Confirmation—the Same hand & neither ffurburs nor Tuttlles
- 44 Page (158) March 29th 1693/4 Granted by the Committee to Thos Stevenson Thirty acres of Land Vicious because not Signed nor wrote by the Clerk—
- 45 Page (162) June 23^d 1701 A grant by the Committee for 30 Acres of Land to W^m Hill & Confirmed the 23^d of march 1702 because interlined & altered & the Grant & Confirmation both of. One mans writing & neither of them ffurburs or Tuttlles writing
- 46 Page 162—April 11—1694 a Grant to John Davis by the Committee for 30 Acres no Confirmation of the Town & not of ffurburs writing nor Signing
- 47 Page (124) June 23^d 1701 a grant to David Kinckad by the Committee & Confirmed the 6th April 1702 both of the Same hand writing and it appearing by The records that the S^d Kinckad had a grant of the Same Date & Quantity of Land recorded before
- 48 Page 164—March 19—1693/4 A Grant made by the Committee to Thos Drew & Confirmed the 2^d Day of April 1694 Tibbets swears mishach Drew bro^r: the Grant to him to record
- 49 Page (165) March 19th 1693/4 a grant made to Elias Cretchett for 3 Score Acres of Land not Confirmed Because wrote upon a new p^e of paper which appears to have been Cut off from a p^e of paper on which we find a Grant made to Abraham Bennick Seven years after the Stamp of the paper being partly on one & partly on the other & not of the Clerks writing—
- 50 Page (165) June 23^d 1701 a Grant of S^d Committee to Abraham Bennick wrote on the p^e of Paper above mentioned wrote by the Same hand Except the Date of the Grant & Some few words besides
- 51) June 23^d 1701—In Page (167) a Grant by S^d Committee to Icabod rollings for 50 Acres Confirmed 23^d March 1702 because not Signed by the Committee nor their Clerk & by the Town Clerk
- 52 Page 121—a Grant of the S^d Committee for 30 acres to Nich^s Harford no Date & the Grant & Petition for S^d Grant being on the Same p^e paper & wrote by the Same hand— & Differs from the record because the records is Dated and the Original not
- 53 Page 106—March 19th 1693/4 a grant by Committee to the Estate of Joseph ffield for 10 acres Confirmed the 16 April 1694 because all wrote by one hand & neither of them the Clerk either the Committee or the Town.
- 54 Page () June 23. 1701 a grant by the Committee to Cap^t Tho^s Tibbits for a Small Gore of Land The Original was all of his own writings & ffurburs name alsoe—and he s^d Tibbets hath Entered in the records a Confirmation of the Town & on the Original there is no Such Thing—
- We afore report that many things appear Very Dark By the records which we have omitted because we Could not come at the Original

grants nor finde any perticular Information about them. we also by James Burnums Own oath report that he purchased a bund^{le} of these Grants from the wido of the S^t flurbur the Clerk & Since that hath Sold them to many persons & they have got them recorded April 30 1731

HEN SHERBURNE
NATH^l WEARE
THEO ATKINSON

V.—MATERIALS FOR A HISTORY OF MACHIAS, MAINE, CONCLUDED FROM PAGE 43.
FROM THE TOWN RECORDS.

III.

Oath of office of the Town-officers, in 1788.

I do truly and sincerely acknowledge, profess, testify, and declare that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent State; and I do swear that I will bear true faith and allegiance to the said Commonwealth; and that I will defend the same against traitorous conspiracies and all hostile attempts whatever; and that I do renounce and abjure all allegiance, subjection, and obedience to the King of Great Britain and all other foreign powers whatever, and that no foreign Prince, person, Prelate, State, or potentate hath or ought to have any jurisdiction, superiority, or pre-eminence, authority or other power, on any matter, civil, ecclesiastical, or spiritual, within this Commonwealth, except the authority or power that is or may be invested by our constituents in the Congress of the United States. And I do further testify and declare that no man or body of men hath or can have any right to dissolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgement, profession, testimony, declaration, denial, renunciation, and adjuration heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, or mental evasion, or secret reservation, whatever. So HELP ME GOD.—

JAMES AVERY, }
JERth OBRIEN, } Selectmen
PETER TALBOT, }

GEORGE STILLMAN, Town treasurer
R. H. BOWLES, Town Clerk.

For the year 1788

GEORGE SEVEY, Collector
AMOS BOYNTON, late Coll^r

EPH^m CHASE, }
W^m ABBEE, } Constables

JOHN FOSTER, }
NATHAN LONGFELLOW, J^r } Collectors

IV.

Order of the Town, for Instructions for its Representative.

VOTED, That the Hon^{ble} Stephen Jones, Esq., Ralph H. Bowles, Stephen Parker, and Capt. Jeremiah O'Brien be a Committee to give instructions to James Avery, Esq., this town's Representative for this Government at the General Court.

VOTED, That this meeting be adjourned, without day.

R. H. BOWLES, Town Clerk.

V.

Instructions prepared agreeably to the above Order.

TO JAMES AVERY, Esq.

SIR: You being chosen to represent the town of Machias in the General Court of the Commonwealth, for the present year, it is expected by your constituents that you attend to the next Session; and, for the government of your general conduct, would recommend to you, that, in all questions that should arise, wherein either the Federal or State Government may be effected, that you never give your voice or vote in favour of any motion that shall have a tendency to impair the Constitution of either.

You are sensible that the inhabitants of this town were well pleased with the Constitution of the Federal Government, in its present form; but, as this Commonwealth and some other of the principal States have proposed amendments, and the present Congress have originated several Articles which are to be recommended to the different State Legislatures, for their approbation, and, if approved, to be considered as part of the Constitution; and as those Articles appear to us to have a general tendency operating equally throughout the Union, you are, therefore, at liberty to give your vote in favour of these being adopted, should they be laid before the Legislature.

You are to use your best endeavour to support public credit and never to give your vote to deprive any person of his honest dues.

You are particularly requested to use your endeavours to obtain a compensation for the heavy expenses the inhabitants of this town incurred in supporting the Irish people that were thrown upon us, in the year 1786.

This town having incurred many heavy expenses in supporting a Gospel ministry, building Meeting-houses, supporting schools, clearing roads, building bridges, and many other charges that are incident to new townships; also meeting with a heavy loss, in the burning of our mills, last fall, and the loss of our logs, last spring, you are, therefore, to supplicate an abatement of a part or the whole of tax No. 5.

There was also a very considerable expense arose to individuals in this town, in the year 1785, in taking and receiving three pirates. You are requested to have those accounts passed and paid.

You are farther requested, to procure an addition to an Act made for the preservation of the fish, in the Counties of Cumberland and Lincoln, that it may be extended to the different rivers, as far East as the river St. Croix.

In general matters we would not wish to control you, as you will be present and hear what is offered for and against the questions proposed; and therefore leave it to your good sense to decide.

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| STEPHEN JONES RALPH H. BOWLES STEPHEN PARKER JEREMIAH O'BRIEN | } Committee |
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VI.

Petition for a Remission from Taxes, 1789.

To the Hon^{ble} Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled. The petition of the Selectmen of the town of Machias, humbly sheweth

That the General Court, in the year of our Lord 1786, taxed the town of Machias the sum of £302.10s. towards paying off the debts and the support of Government. The inhabitants of this town was always ready, and stood foremost, in this County, during the late War, in defending the same; and, since Peace, have exerted themselves, to the utmost, in the support of Government and to pay their just proportion of all the taxes for that purpose; but, under their great embarrassments and late misfortunes, they are under the necessity of applying to your Honors, for relief; and beg leave to lay before you facts.

This town, several years before the late War, had a Minister regularly settled, to whom they paid £86 per annum. When the War commenced and the lumber trade was entirely cut off, they were unable to pay him, yearly; and when Peace took place, they found themselves indebted for the deficiency of his salary the sum of £930, which they was obliged to raise to pay, besides his yearly salary since, £200 raised for building and repairs for Meetinghouse, £80 a year for School, together with taxes for the poor and other charges, with taxes for roads, &c., amounting to no less sum than £2932.15s., which the town has been necessitated to raise since the Peace, exclusive of their State and County taxes. Add to this, the last year, we have had the misfortune to have two double saw-mills and one grist-mill destroyed by fire, with a large quantity of boards near them; and, this spring, a high freshet carried away the

boom across the river, by which 3000 logs went over the dam. The loss by these misfortunes, at the least estimation, cannot be less than £600.

We are informed that the Hon^{ble} Court have been pleased to abate two-thirds of the tax laid, the same year, on several plantations, Westward of this town, provided they lay out the same in support of a Minister and a school, which this town has had and continues to do. Your petitioners therefore humbly request Your Honors will be pleased to take their distressed situation into your wise consideration, and be pleased to grant them such relief as you in your wisdom may think fit; and, as in duty bound, will ever pray.

MACHIAS, Dec. 16, 1789.

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| STEPHEN SMITH PETER TALBOT RALPH H. BOWLES, | } Selectmen. Town Clerk. |
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VII.

The action of the town, on the proposed separation from Massachusetts, 1797.

The inhabitants assembled, as by adjournment, Hon^{ble} Stephen Jones, Esq., Moderator. The Report of the Committee was read.

The foregoing Report being taken into consideration, and, after debated upon,

VOTED, UNANIMOUSLY, That the same is accepted as the sense of this town, and a copy thereof be transmitted to the Representative from this town to the General Court of this Commonwealth, for his directions.

REPORT.

The Committee appointed by the town of Machias, to take into consideration an anonymous, printed paper, called an *Address to the numerous and respectable inhabitants of the great and extensive District of Maine*, The intention of which and the sentiments therein advanced appears to be calculated to make the Citizens of this Commonwealth, in the five Eastern Counties, dissatisfied with the present happy form of government, and an endeavour to persuade them that a division of this Commonwealth, into two separate States, is necessary, beg leave to report:

That they consider the measure taken, in sending such papers and dispersing them thro' the several Counties of the Commonwealth, is unjustifiable, as it declares it to be the sentiments of the Senators and Representatives of these Counties, without mentioning their names, wherefore it may be considered that the same may have been fabricated by some contentious person or persons, with a design to create discord and confusion in the Commonwealth—mislead the Citizens of it—that they may have a opportunity of taking an advantage of such confusion, by executing the public opinion in

their favour, to get elected into posts of Honour and profit, which they cannot obtain at present. This is the more apparent, by the reflections cast on the Boston seat, which has been so long filled with the most shining characters and men of as great abilities as any in the Commonwealth, from whose exertions and patriotism, this and other States are greatly indebted for their attention to the public good; and their opposition, in this instance, appears to arise from a full conviction that it would tend to the injury of the several parts of the Commonwealth; and the opinion of such respectable characters ought, in some measure, to have weight in the present case.

Your Committee think it very improper to obtain the sense of the inhabitants in the way proposed. What right has any individual person, by a printed paper, without his name appearing, to endeavour to mislead the people and, by surprise, to obtain their approbation to a measure, big with such great and important events? This is too apparent to need an answer.

Your Committee are fully of opinion that, in general, such papers ought not to be taken notice of; but, in the present instance, they consider that, for this town to remain silent would be improper, and that they ought to give their reasons why they disapprove of the proposed division. As several reasons are set forth in a printed paper, your Committee think it necessary to point out the objections against each.

Your Committee was in hopes the Portland Convention would never again be brought into view. Conventions of such a nature has always had a tendency injurious to the public weal. The design of their promoters must be apparent—to hunt up grievances—make the people dissatisfied—and wish for innovations, which, in fact, is striking at the root of Government, making every thing precarious, and destroying its intention; and, when it is considered the small number the Portland Convention consisted of, and how often they have adjourned, for want of a sufficient number to form a meeting with any kind of decency, we are confident they do not speak the sentiments of the people, and we were in hopes that that Convention would never be again mentioned.

The first reason offered (in the said anonymous printed paper) is, that Congress has assumed the greater part of this State debt. Large sums of old money in the treasury—money due for lands sold—and land may be sold to a considerable amount. Altho' it must be pleasing to every friend of his country to find that the embarrassments we have labored under is, in a great measure, removed: but, surely, this cannot operate in favour of a separation, as we shall enjoy all the benefits arising from this, united, as if separate.

The second argument is, "Congress having erected us into a separate District." We are of opinion that this step was necessary for the ease of the citizens, in judicial proceedings. If this separated us, Congress has again united us, by their Excise Acts, appointing the whole State one District. But we consider this to be entirely, from the merits of the case; and a separation cannot be claimed, on this ground, any more than the several Districts of the Customs claiming each to be erected into separate, free, Sovereign, and Independent States.

The third argument mentioned is that there is an intervention of part of the State of New Hampshire, between the western part of the Commonwealth and the District of Maine; but it does not appear to your Committee, that there is any greater inconveniences in riding through twenty miles of the State of New Hampshire than there would be in riding through any part of this Commonwealth the same number of miles, as we are citizens of that and every other State in the Union, therefore, not subject to any imposition but what is laid by the Legislature of the Union. And that part of the State of New Hampshire which they must travel through, to attend the General Court at Boston, is in high cultivation, with good roads and Inns where persons may find refreshments on as reasonable terms as any part of this State; but, whatever weight this argument of theirs is entitled to, in regard to seeking for a separation, we leave to the candid to judge.

The fourth argument mentioned in said Paper is "that Governmental taxes operate very unequally between the citizens West of New Hampshire and those East, it being much easier for the western citizens to procure specie to pay their taxes than for the Eastern." It is highly probable that this is really true; but how we are to be relieved from that difficulty by a separation, appears to us rather mysterious; for we are confident that our new Governor, Councillors, Secretary, Treasurer, Attorney-general, Justices of the Supreme Judicial Court, and other necessary officers of Government, will not take their pay in boards, clapboards, shingles, laths, fish, cord-wood, or any other specified articles; but those articles must be freighted to Boston and sold for money, that being the most likely place for market, and then that money, instead of being, as now, paid into the public treasury must be risked back again, from thirty to one hundred and thirty leagues, to the different towns in the different Counties; paid to the different Collectors; and they must, then, be at the trouble and expense of conveying it near three hundred miles, (for some) to the public treasury. For, if we become a separate Government, we must have the necessary Executive and Legislative Officers.

In the highest Department of the State, they ought, certainly, to be men of the best education and of the greatest abilities, and of proved integrity; and the public have no right to expect the services of such persons, or any other they may choose, without they allow them handsome compensations. Therefore, instead of the taxes being lessened and made to operate more equally by our becoming an independent State, we are of opinion that they will be greatly increased, and the means of discharging them much more difficult than at present, which we conceive is a very weighty argument against a separation.

The fifth argument made use of in said paper "is the great distance from the office of the "Clerk of the Supreme Judicial Court, which "made it difficult obtaining copies of papers." There will always be some difficulty attending business of that kind; but we are persuaded that the inconvenience is not so great as is pretended, as vessels sail, daily, from every part in this District to Boston, by which such papers can be easily obtained, or they may be obtained in the three upper Counties by the post, which comes weekly to Pownalborough. It is much easier for any part of the Counties of Washington and Hancock to obtain papers from Boston than from Portland or Pownalborough, in one of which towns, it is probable, the Clerk's office would be held, in case of a separation. Upon the whole, your Committee is fully persuaded that the Counties of Hampshire and Berkshire labor under as great, if not greater, inconveniences, in this respect.

The sixth argument is "the great expense and "inconvenience experienced by our Senators "and Representatives who are obliged to travel "to the General Court and, partly, through "another State." But as the Senators are paid for their time and trouble, and the Representatives for their travel, out of the treasury of the Commonwealth, therefore, that is no hardship or burden on the particular County or town which sends them; and the compensation that is allowed them for their travel, we believe, is adequate to the fatigue; and, as to the traveling through a small part of another State, we conceived it sufficiently answered before.

The seventh argument is "that the number "of souls in the District of Maine is nearly double "the number there is in the State of Rhode "Island," etc. The late wretched policy of Rhode Island is sufficient to excite us never to wish ourselves in the situation they have been in; but that the States of Delaware and Georgia have always been separate Governments, therefore their coming into the Union, as such, could not be avoided. Vermont was, by the ill policy of the State of New York (when a British Government) formed into a separate Government or State, and it became a matter of necessity or

policy for the United States, finally, (with the consent of New York State) to receive that State into the Union, as such; but we do not think their being States (tho' some of them are inferior in numbers to this District) is evidence that it will be a benefit to the inhabitants of the District of Maine to be made an independent, sovereign State. Your Committee must here observe, that Massachusetts is, at present, from its numbers, one of the most respectable States in the Union, and its weight in the general government is well known: if a separation takes place, the same policy may not govern each, whereby the present respectability may be lost, and, as the Counties of Hampshire and Berkshire labor under almost the same difficulties as this District, they may, with the same propriety, request to be erected into a separate State; and when States begin to divide, how far the novelty of it may be carried is uncertain, perhaps till each County is a State by itself, and, instead of being one respectable Commonwealth, be only so many petty corporations.

The eighth argument offered in said paper, for your consideration, is, "That the population of "this District must rapidly increase upon our "becoming independent, as thousands would "annually come and settle among us, had we "the power to exempt their polls and estates "from State, Town, and County taxes, for a "given number of years;" but this is rather problematical, for we are apprehensive that, if we were once invested with the power, we should want the ability and, consequently, the will, to exempt any part of the State from State taxes, much less from County and Town taxes, and really think the first would be greatly increased; and it is a poor encouragement to old inhabitants to be informed that they are to support the whole of the County and Town charges, and new settlers to be exempted; and, at the same time, to receive equal benefits; and no Town can be supported without some charge; and, at present, there are many Towns that have not above five or six families in them: would it be just to compel them to bear the whole expense, when settled by a hundred? and how is the charges in those Towns, now unsettled, to be paid, when settled, upon the principles advanced? it must be by the State or County, which we conceive will never be the case.

Your Committee would further observe, that the inhabitants in the greatest part of the District are in very indigent circumstances, for it is a melancholy truth that there is only seven or eight settled Ministers in the County of Lincoln, only one in the County of Washington, and two in the County of Hancock, and but very few public schools, which is the strongest proof of the poverty of the inhabitants; and we are fully of opinion that, unless Government affords

some aid, it will be a considerable time before there will be any alteration ; and, if separated, with additional taxes to pay, consequently the situation of these Counties must be much worse.

Your Committee therefore beg leave to submit these observations to the consideration of their fellow-citizens, and they should be wanting in the duty they owe this Town and the County, if they was not to declare it their decided opinion that a separation would be highly injurious ; and recommend that the Representative from this town to the General Court be directed to oppose it.—All which is humbly submitted.——

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| STEPHEN JONES | } Committee |
| JAMES AVERY | |
| GEORGE STILLMAN | |
| JEREMIAH O'BRIAN | |
| PETER TALBOT | |

The Instructions for the Representative from this town was then read, and debated, and unanimously accepted by the inhabitants, and Voted that a copy be transmitted to him, for his directions, when attending at the General Court of this Commonwealth.——

Instructions to Mr. Phineas Bruce.

SIR : The town of Machias have now given you the strongest proof of their confidence in your integrity and ability, by electing you to represent them in the General Court of this Commonwealth for the ensuing year. It is their decided opinion that their Representative never ought to be tied down by positive Instructions, but think there is a propriety in mentioning their sentiments respecting such matters as may be likely to come before the Legislature, finally leaving it to your good sense to decide, as it shall appear to you to be proper, after hearing such arguments as may be offered during the debates, on any question before the House.

In the first instance, you are to support all such measures as are necessary for maintaining the dignity, sovereignty, and every part of the Constitution of this Commonwealth and that of the United States, and duly observe that neither infringes on the rights of the other.

As there has been different opinions and different divisions ever in the two branches of the Legislature, respecting the eligibility of persons, citizens of this Commonwealth, holding appointments under the United States, to a seat in the Legislature of this Commonwealth, we are therefore of opinion (if it can be done without violating our Constitution) that an Act of the whole Legislative body, pointing out what (or whether all) offices under the United States shall disqualify a citizen for holding a seat in our Legislature, would have a very good

effect, and prevent any disputes arising between the people and either branch of the Legislature ; and should a law be brought forward for that purpose, it would be pleasing to your constituents, if it meets with your support.

An anonymous paper having been laid before the town, at their meeting for the choice of Representatives, purporting to be the opinion of the gentlemen who were sent as Senators and Representatives to the General Court, the last year, from the District of Maine, in which they say that the opinion of the inhabitants of this and the other towns and plantations, in this District, ought to be taken respecting the propriety of making application to the Legislature of this Commonwealth and to that of the United States, for erecting said District into a free, Sovereign, and independent State, the sense of your constituents, respecting the propriety of an application of that nature, will be fully conveyed to you in the Report of their Committee raised for the purpose of taking into consideration the aforesaid paper, which Report was unanimously accepted by the town, and a copy of the same ordered to be communicated to you and will accompany this. We therefore trust you will oppose any measures that shall be brought forward, in the General Court, with a view of separating us from the Commonwealth of Massachusetts.

The gentlemen on the Boston seat we highly respect, for their abilities, integrity, and great information. You will, therefore, act agreeable to the sentiments of your constituents, in consulting them on all important matters.

It would be a happy circumstance for the inhabitants of this Commonwealth who live on the eastern borders of this State, if the lines between the Commonwealth and the British Government of New Brunswick could be finally ascertained and established, so that no doubt might arise, in future, to whom they owe allegiance and where they have a right to look for protection and the civil officers know how far their jurisdiction extends. This is a matter of importance: you will, therefore, particularly attend to it.

You are well informed the smallness of our County, as to the number of inhabitants, and of the very great expense that has and will arise in building a Goal, paying jurymen, exploring and laying out a County-road, through an hundred miles of wilderness, and many other incidental charges that naturally arise, and a number of the inhabitants unable to afford the least pecuniary assistance towards defraying the charges of the County, and, in fact, our County reduced much below what was expected, by a number of towns, now in the eastern part of the County of Hancock, which, previous to the division of the County of Lincoln, it was always

expected would be incorporated into this County, and for what reason they were annexed to that we are yet to learn, as we cannot find it was by any request of the inhabitants of those towns. This County really stands in need of some assistance from the Legislature; and a Petition from the Justices and Grand-jury of the County will be presented, praying that the duties on commissions, licenses, and the excise due from this County may be appropriated for the use of the County; which Petition you will not fail of giving your utmost support.

There is also some back taxes that are due from the inhabitants of this County to the Commonwealth, which we really think would, in the end, be for the real benefit of the State if they were appropriated for the use of the County, as it would serve to increase our numbers by encouraging others to move into the country, and, finally, add to the strength and wealth of the Commonwealth; but to be exempted from Town and County-taxes is what we never expect.

There is now before the Committee of Acc^{ts} two bills exhibited by this Town against the Commonwealth, for support of the States' poor, and will receive another of the same tenor. You will use your influence to have those allowed. For what reason the two former have not been passed upon, we are not able to say. The like acc^{ts} are, every Session, passed in favor of other Towns; and you can represent the true state of this Town. Being the frontier of the Commonwealth, is more liable to have poor foreigners imposed upon us than any other except Boston. If any other vouchers or information is necessary on this subject, you will apply to John Cooper, Esq., who is well acquainted with our situation, and can give any necessary information; and we have no doubt of his friendly aid upon the business. If Gen^l Campbell goes Senator from this District, we doubt not of his assistance in accomplishing the several matters mentioned.

With great esteem, we are your friends.

May 10th 1797

STEPHEN JONES
JAMES AVERY
GEORGE STILLMAN
JEREMIAH O'BRIAN
PETER TALBOT

The meeting was then adjourned without day.

RALPH H. BOWLES

Town Clerk

I hereby Certify that the foregoing is a true copy from the Records of the Town of Machias.

JOHN S. KELLY Town Clerk

[Machias, September 1850.]

VI.—A NAVAL HISTORY OF RHODE ISLAND :—CONTINUED FROM PAGE 25.

By HON. JOHN RUSSELL BARRETT.

XIII.

EAST INDIA SHIPS TAKEN AT LOUISBURG. REPLY OF GOVERNOR WANTON TO ADMIRAL WARREN TO HIS CALL FOR MEN AND SUPPLIES. THE ENTIRE CREDIT OF THE LOUISBURG EXPEDITION DUE TO GOVERNOR SHIRLEY. RHODE ISLAND TROOPS TO REMAIN AT LOUISBURG. ATTEMPTS TO DEPRIVE RHODE ISLAND OF CREDIT FOR HER SERVICES IN THE WAR. HER SERVICES SET FORTH.

On the twenty-fifth of July, Commodore Warren again wrote to Governor Wanton, from Louisburg, informing him that two of his squadron had taken a rich East India ship; and proposed to sell her cargo there, if the merchants will come from Rhode Island, to purchase it. At the same time, he sent an advertisement to be printed and distributed, announcing the sale of this rich prize.

To the several urgent calls for men, provisions, ammunition, and shipping, which had been made upon the Colony by order of the King, as well as by Admiral Warren, Sir William Pepperrell and Governor Shirley, before-mentioned, Governor Wanton replied as follows :

"NEWPORT, August 23, 1745.

"SIR:—Since my last to you, I have had the opportunity of laying before the General Assembly of this Colony, your letters, with a copy of His Majesty's orders, signified by His Grace, the Duke of Newcastle, to the respective Governors of the Colonies in North America, to assist you with men, provisions, and shipping, for the relief of any of His Majesty's settlements, or for making any attempts upon those of the enemy.

"And I am directed by them to assure you that none of His Majesty's subjects more sincerely rejoice at the glorious success of His Majesty's arms, in the reduction of a place of such vast importance to his obedience, than this Colony; and that none of His Majesty's Provinces or Colonies, will be more ready than this to give you their utmost assistance in making any attempts against His Majesty's enemies, or in the securing and defending this most important acquisition; but, as this Colony is very small, and by its situation very much exposed to the attacks of the enemy by sea, and great numbers of our men employed on board of our Privateers to distress the enemy in their trade and navigation, and as they have already been at very great expense in keeping their only vessel of war at Cape Breton, ever since the beginning of this expedition, and in sending and victualling three Companies of soldiers to assist in defending

"Louisbourg; and also in allowing a large bounty to a number of seamen to enlist and serve in the squadron of His Majesty's ships, under your command; they hope these will be looked upon as their full quota, and as sufficient demonstrations of their duty and loyalty to His Majesty.

"I am, Sir, further directed to assure you, that if His Majesty's service should require our three Companies of soldiers to remain in garrison at Louisbourg, all winter, in the pay of this Colony, that all due care will be taken by this Government to send them, in season, provisions, and all other necessities for their subsistence.

"The General Assembly thank you for the favor and respect you have shown to Capt. Fones, the commander of our Colony's sloop *Tartar*; and they hope you'll be so good as to discharge her as soon as the nature of His Majesty's service will admit of it, she being the only vessel of war that we have for the protection of the trade and navigation of this Colony.

"Your known generosity leaves us no room to doubt that you will do justice to this Colony in letting His Majesty know what assistance we have given in this expedition; and we the rather request this favor of you, Sir, because we have reason to believe that some of our neighbors have no great inclination to represent our conduct in the best light.

"We heartily congratulate you, Sir, on the success of His Majesty's ships under your command, in taking so many rich and valuable prizes. May zeal and fidelity in His Majesty's service be always thus rewarded; and may success attend you in all your attempts, until your name become a terror to a haughty and insolent enemy.

"I heartily wish you health, and am, with best regards, in behalf of the General Assembly, Sir, yours,

GIDEON WANTON.

"To the Honorable Commodore WARREN.

"P. S.—As the General Assembly have ordered the Brigantine which transported our soldiers to Louisbourg, to return home immediately, unless any directions should be come from His Majesty to dismiss our soldiers in a short time, they have directed me to desire you'd be pleased to give her a pass to depart."

Massachusetts had strained herself, to the very utmost, in the Louisbourg expedition, which was originated, planned, and successfully carried out by her. Besides draining herself of men, provisions and clothing, Governor Phipps wrote to Governor Wanton that she had expended more than two hundred thousand pounds in defraying the expenses of the expedition, "besides the great loss and damage by taking off so many of the substantial inhabitants of the Province

"from their business, and the stagnation of trade occasioned by the expedition." In a later communication to Governor Wanton, in speaking of the Louisbourg expedition, Admiral Warren says, "Human prudence could not have formed a more advantageous expedition, for the good of the British Colonies in particular, nor for our country's interest in general, than this; the great merit of which, I must, in justice, attribute to the indefatigable pains taken by Governor Shirley, who concerted and carried this great design into a thorough and most successful execution, with the assistance of a very few of the Colonies, and a squadron of His Majesty's ships, which must be, by the latest posterity, thought of with the highest gratitude and honor, of those who contrived, assisted and executed so glorious an expedition; upon the success of which the ease and happiness of us and our descendants does in a very great measure depend."

Governor Phipps speaks of a second East Indiaman with a rich cargo which had been taken from the French; and says it is judged that the value of the captures made on the coast, by his Majesty's ships, amounts to one million pounds, none of which would have fallen into their hands, if the Louisbourg expedition had not taken place and been so successful.

Under date of the thirteenth of September, Sir William Pepperrell writes to Governor Wanton that he shall retain the three Companies of Rhode Island troops, and desires him to "make the speediest provision for them during the approaching Winter, of provisions, good bedding and warm clothing, fit for soldiers, in the most inclement climate." He also apprises the Governor that there is a squadron of French men-of-war on the coast.

It appears that representations had been made to the Ministry, by parties in Massachusetts, that Rhode Island had not performed her part in the late expedition against Louisbourg, a charge which gave great uneasiness to the Governor and the good people, and caused Governor Wanton to write to Richard Partridge, the Colony's Agent, in London, in order that he might vindicate the Colony, "which had always distinguished itself by joining with readiness and zeal in all expeditions ordered by the Crown." He says that when Massachusetts first applied for assistance, the Colony had expended all its funds to defray the unfortunate expedition against Carthage. That the tax for putting the Colony in a state of defence was unpaid; the people burdened with the expense of defending our Charter privileges; and for carrying on the suit about the boundary. That the Colony was then drained of men to an uncommon degree; and that, of two hundred and fifty sent away in the West India expedition, not

twenty had returned, Furthermore, that they had eight or ten well-manned Privateers then cruising, which greatly embarrassed them in raising seamen. But, notwithstanding all these, Rhode Island had fully manned and sent out the sloop *Tartar*, and permitted Massachusetts to raise men in the Colony, besides voting a bounty of forty shillings each to every man who enlisted.

The Colony's sloop *Tartar*, which has been often mentioned, mounted fourteen carriage and twelve swivel guns. She conveyed the Connecticut troops; and proved of great service in the expedition. Besides this, it is stated that the inhabitants of Newport subscribed seven thousand pounds towards the pay of a Privateer manned and partly owned there. The three full Companies of troops, afterwards sent and retained to garrison the fortress of Louisburg, and the seamen to man the large ship *Vigilant*, taken from the French, have before been mentioned.

"This," says Governor Wanton, "is the assistance we have given, which was really the utmost we were able to give, the Colony never having exerted itself with more zeal and vigor on any account; and it ought to be observed that no other of the remaining Colonies, except Connecticut and New Hampshire, could be induced, at the first, to give any assistance at all; nor, afterwards, all of them together, to give so much and such effectual assistance as this little Colony cheerfully afforded, at the hazard of leaving our sea-coast unguarded, and our navigation exposed to the enemy's Privateers." He further sends letters from General Pepperrell and Admiral Warren, acknowledging the aid they had received from Rhode Island in the expedition.

XIV.

RHODE ISLAND DEFENDS HERSELF AGAINST THE ASPERSIONS OF MASSACHUSETTS. ROGER WOLCOTT'S CERTIFICATE OF HER SERVICES IN THE TAKING OF LOUISBURG. A NEW EXPEDITION TO CANADA DETERMINED UPON.

It seems that the Colonies of New York, New Jersey, and Pennsylvania did not escape the censures and aspersions of Massachusetts, which was some consolation to Governor Wanton. These Colonies furnished no aid; which "makes it evident," continues Wanton, "that our own avowed enemies, the Massachusetts, are for catching at every shadow of advantage, whereby they imagine they may prejudice us, and gain their point concerning the boundaries."

Mr. Partridge, although a Quaker, stood forward, manfully, in defending Rhode Island against the aspersions of Massachusetts, by laying before the Secretary for the Colonies the

facts contained in Governor Wanton's letter. In his reply, he says he made known the loyalty and obedience of the people of Rhode Island to the Crown, and called the Secretary's attention to the promptness which they had exhibited in embarking, in every expedition ordered by Great Britain, and in furnishing their quotas of troops; farthermore that "in the wars by sea, the Privateers from Rhode Island did more execution against the enemy's Privateers than infested their coasts, than all the ships of the Massachusetts, or, indeed, of all the Colonies in those parts put together." He adds "I wish thou couldst get a few lines from Commodore Warren and send me in justification of the Colony, to take off the edge of those assertions" [of Massachusetts] which I believe have been spread by Agent Shelby, here." The Governor profited by the suggestion of Agent Partridge; and the General Assembly, at its October Session, 1745, passed a Resolution appointing Peter Bours a Committee, to wait upon the Hon. Roger Wolcott, Deputy-governor of Connecticut, and Major-general of the forces that reduced Cape Breton, and request of him a certificate of what he knew respecting the conduct of this Colony in the expedition against Cape Breton and Louisburg. Commodore Warren, probably, was not accessible; and, if he was, General Wolcott had more direct intercourse with the Rhode Island troops than he.

General Wolcott promptly complied with the request of the General Assembly, by furnishing the certificate required, in which he recapitulates the important services rendered by Rhode Island, in the troops and seamen which she furnished: the convoy of the Connecticut troops to Cape Breton; and the services of Captain Fones with the sloop-of-war *Tartar*. This, together with the letters of Admiral Warren, Sir William Pepperrell, and others; the various Acts of the Assembly for the raising of troops, furnishing vessels, provisions, ammunition, etc., together with a general account of all the expenses which had been incurred by the Colony, connected with the expedition, were ordered to be procured and forwarded to the Home Government, without delay.

At the close of the year 1745, a great calamity befel the town of Newport, which had ever been active in fitting out Privateers against the enemies of the country. Two large and costly vessels of this kind had just been completed, at Newport, where they were owned and manned, although Colonel Malbone was the chief owner. Each of these Privateers mounted twenty-two guns, and was manned by over one hundred men; most of whom were residents of and had families in Newport. The ships set sail the day before Christmas, at the commencement of a

violent North-east snow storm, bound for the Spanish main. The gale increased to a hurricane, and lasted two days. The ships were never heard of after; and the belief was, that they foundered at sea, with all on board. "By this fearful disaster says Mr. Arnold, in his *History of Rhode Island*, "more than four-hundred lives were lost, and nearly two-hundred women in Newport were made widows."

In the Spring of the following year, the Duke of Newcastle addressed a letter to Governor Wanton, informing him that two Regiments would, at once, be sent to Louisburg, for the better support and maintenance of its garrison; that Admiral Warren was about to retire, to be succeeded by Admiral Knowles; and that, if the latter should have occasion to apply to him "for assistance, either by raising any number of men "to reinforce the garrison, or in any other manner, that shall be thought proper," he shall use his utmost endeavors to furnish him with it.

It is almost incredible to look back a century, when the population of the Colony was less than that of the City of Providence, at the present time; when her resources consisted of the meagre products of her soil, with no manufactures and a limited commerce; and find her so frequently called upon to aid her Mother Country, Great Britain, in the wars in which she was so constantly engaged. Whether, in a war with the Spaniards, it was necessary to send men to the West Indies; to reduce the Indians on the frontiers of New England, New York, and Pennsylvania; to stop the progress of the French, at the then distant posts of Niagara and Oswego; to arrest from them the Colony of Cape Breton; or, finally, to embark in the grander enterprize of reducing Canada, our little Colony seems to have been called on, alike, for troops, seamen, provisions, ammunition, and ships. With four times the population, and a hundred times more wealth, we should deem such demands large, even in our day; but, it must be remembered, that, at the period in question, Rhode Island was the most powerful, at sea, of either of the English Colonies in America, and held a comparatively high rank, among the few Colonies from which the thirty-four States of the Union have sprung.

In the Spring of 1746, the war-sloop *Tartar* had returned from Louisburg, where she was refitted, manned, and sent off on a cruise, as far eastward as Marthas' Vineyard, and as far Westward as Sandy Hook. At the same time, in consequence of applications from the Governors of the Provinces of New York and Massachusetts, the General Assembly passed an Act to appoint Commissioners to confer with those of the other northern Colonies, to provide for mutual defence against the common enemy.

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The gentlemen appointed as this Committee were Abraham Redwood, Peter Bours, and Stephen Hopkins.

A month later, than the letter before mentioned, on the ninth of April, 1746, another letter was received from the Duke of Newcastle, conveying the important information that the Government, flushed with its success at Louisburg, had determined upon a great expedition for the reduction of Canada. Five Battalions of troops, under the command of General St. Clair, were to be transported, with a convoy of men-of-war, to Louisburg, where they were to be joined by two Regiments from Gibraltar and such others as shall be levied in North America.

The Rhode Island troops suffered greatly during the Winter they remained at Louisburg. One of the Companies lost its Captain and half its men, which rendered it necessary to consolidate the remainder into two Companies. The General Assembly, therefore directed Governor Wanton to write to General Pepperrell and Admiral Warren, requesting them to discharge all the Rhode Island troops, agreeable to their promise, except such as had enlisted in the King's service, and to send them back with their arms, together with all other property, with them, that belonged to the Colony. At the same time, and before Warren and Pepperrell had received Governor Greene's letter, they wrote to him that they should "keep their faith with the old "troops" by sending them home; but, nevertheless, they still enjoined him to encourage new enlistments among them, as well as to raise and forward, as soon as possible, the new levies called for.

XV.

THE COLONY AGAIN RAISES TROOPS FOR THE CONQUEST OF CANADA. RHODE ISLAND PRIVATEERS SEIZE CUBAN SPANIARDS AND SELL THEM AS SLAVES. THE GOVERNOR OF CUBA SEIZES AND IMPRISONS AMERICANS. RENEWED CALLS FROM ADMIRAL WARREN FOR AID FOR THE CANADA EXPEDITION. A GREAT FRENCH SQUADRON ON THE COAST. THE TARTAR SLOOP DISPATCHED TO CONVEY THE NEWS TO THE BRITISH FLEET.

The *Tartar*, manned with ninety men, exclusive of officers, was again sent to sea, in order to guard the coast; at the same time, a letter was written to the Governor of Connecticut, requesting that their Colony-sloop might join the *Tartar*, in her cruise.

The war-fever, by this time, had extended itself to the other Colonies; and an earnest desire was manifested to join in the common cause, against the French. The Governors of New York and Massachusetts, George Clinton and William Shirley, requested Rhode Island to appoint Commissioners to meet those of the other Governments, to consider measures for their

"mutual security, defence, and conduct, during the present war."

Determined not to be backward in the emergency, William Greene, who had just been elected Governor of Rhode Island, convened the General Assembly, at Newport, in June, 1746, when an Act was passed, in conformity with the wishes of His Majesty, made known through His Grace, the Duke of Newcastle, providing for the raising of forces for the proposed reduction of Canada. Three Companies of one hundred men each were ordered to be raised forthwith; and a Committee consisting of John Cranston, Abraham Redwood, Jonathan Nichols, and George Wanton, were appointed to procure military stores, provisions, and transports to take these forces to Louisburg and thence, up the river St. Lawrence, to Quebec or other place required. As an encouragement to men to enlist, a bounty of fifty pounds, in bills of public credit, and a suit of clothes were offered to each soldier. A bounty of two hundred pounds, in addition to their wages, was also offered to pilots who were acquainted with the navigation of the St. Lawrence. The *Tartar* was recalled from her cruise, and ordered to accompany the expedition; and an appropriation of eleven thousand, two hundred and fifty pounds was made in a new issue of Bills of Credit, to defray its outfit and expenses.

While these events were taking place, the Colony was involved in a controversy with the Governor of Havana, on account of the illegal proceedings of some of its Privateers, which, too often, took an attitude unauthorized by their Commissions, as was too apt to be the case after a long period of successful privateering. A half century before, English Privateers became regular filibusters, and, in some instances, were denounced as pirates.

In the case in question, it seems that two Rhode Island Privateers, the *Defiance* and the *Duke of Marlboro'*, commanded by Captains John Dennis and Robert Morris, had, in their cruise, seized twenty-two Spaniards, which they brought to the northern Colonies and sold as slaves. To retaliate for this outrage, the Spanish Governor subsequently captured nineteen of the crew belonging to the *Defiance*, and threw them into prison, at Havana. Daniel Denton, one of these prisoners, was sent to Rhode Island, on parole, to show the illegality of the seizure of the Spaniards, on the ground that they were freemen and not slaves, and to procure their release. The Government of Rhode Island became satisfied that the acts of Dennis and Morris were unlawful; and the General Assembly lost no time in making every reparation in their power. The Sheriff of Newport was directed to take into his custody all the "freemen, subjects of the King of Spain, that were brought to this Colony by

"Morris and Dennis, and sold as slaves;" and, as a portion of these men had been sold in the Colonies of New York and Massachusetts, the Governor was requested to write to the Governors of those Colonies, asking for their release. It was also provided that the Spaniards thus liberated, accompanied by Denton, should be sent back to Cuba under a flag of truce. He was also instructed to procure the release of the Englishmen which the Governor of Havana had retained in prison. Farthermore, the owners of the Privateers were required to reimburse the purchasers of the, so-called, slaves, the money they had paid for them.

The Government was not inactive in its efforts in aid of the proposed expedition for the reduction of Canada—enlistments were vigorously made; transports were ordered to be got ready; and the Sheriff of Newport was empowered to impress as many seamen as were necessary for manning the transports. The enlistment was to be continued until the eighth of July, when the whole force was to be concentrated at Newport.

While these preparations were going on, the most urgent letters were received from Admiral Warren and Governor Shirley, for both seamen and soldiers, but particularly for seamen, whence one would suppose the Colony was an immense nursery for these men which could never be exhausted. "I am of opinion," writes Admiral Warren to Governor Greene, "that all the seamen should be engaged that you can possibly meet with, to go in the armed vessels from each Colony; and that no time be lost, as the season will soon render it impracticable to make the attempt this year; in which case, however, I hope Crown Point, from whence our frontiers have been annoyed, may be reduced as a proper place of rendezvous, and for stores for the army destined to go to Montreal.

Governor Shirley, after urging upon Governor Greene the necessity of completing the levies for the proposed expedition, says, "this will, in all probability, be the only favorable opportunity of attempting to drive off the French from the northern part of this Continent, which, if neglected, may never be redeemed; but followed close by an endless train of disadvantages and difficulties to all His Majesty's northern Colonies, too many to be enumerated here, and too obvious to need it." Besides the quota of troops required to be furnished by the Colony, Governor Shirley and Admiral Warren requested that it should provide two Brigs or Snows, with eighty men and ten guns each; and that the whole force should be provisioned for ten months.

To the various letters from Admiral Warren, Governor Greene wrote the following in reply,



by order of the Assembly ;

"PROVIDENCE, July —, 1746.

"SIR :—I acknowledge the favor of yours, "upon your arrival in Boston, and would beg "leave to observe to you, that, however small "the quota of men proposed by Rhode Island "may seem, when the votes of the several "Governments for raising men are compared, "yet, if the smallness of this Government be con- "sidered, and its present circumstances, the "quota of men voted must be looked as "many as, in reason, could be expected from "this small Colony.

"Upon a fair and exact computation, the "number of men in the Colony of Rhode Is- "land, proper for bearing arms, cannot be com- "puted to be more than three thousand ; which "number must be greatly lessened within these "few months past by the number of vessels "fitted out and cruising against His Majesty's "enemies.

"There being out of this Colony, and fitting "out on that account, three ships of about "twenty guns each ; one snow and four brig- "antines, of about sixteen guns each ; and "four sloops, of about twelve guns each ; which "are all manned from this place, and are ac- "tually out on their cruise, saving one brigan- "tine and two sloops, now fitting out, and "which, in this small Government, must neces- "sarily greatly exhaust the number of men fit "for His Majesty's service on the present oc- "casion.

"However, this Government considered the "expedition intended for the reduction of "Canada, as an undertaking of the utmost con- "sequence to all His Majesty's Colonies in "America ; and that they might be aiding and "assisting as far as the strength and circum- "stances of this small Government would ad- "mit, cheerfully ordered three hundred able- "bodied soldiers to be raised and sent to join "His Majesty's land forces ; and one hundred "seamen in the sloop *Tartar*, lately in His "Majesty's service, at Louisbourg, to attend "on the sea force.

"As it has appeared by long and melancholy "experience that the peace and welfare of His "Majesty's subjects in North America can never "be established as long as Canada subsists, it "was with the greatest joy that His Majesty's "subjects in this Colony received the news of "his intentions to reduce it, and the appoint- "ment of Admiral Warren to have the chief "command of the sea force, made the joy more "universal ; and, as in this Government, it has "been a means of raising the soldiers and sail- "ors with the greater ease ; it is not doubted, "but under the influence of Providence, will be

"of as happy consequence in the designed effect.

"Whatever directions shall be communicated "respecting the forces from this Government "will be received with pleasure, and put in exe- "cution with all possible expedition, by, Sir,

"Your most obedient humble servant,

"WILLIAM GREENE."

The transports, before mentioned, having been procured, were anchored off Goat-island, and the three Companies of troops sent on board. One of these Companies, commanded by Captain Sayer, was filled up in Newport-county ; the second, under Captain Rice, was filled up in Providence-county ; and the third, under Captain Cole, partly from each. None of the people from Kent-county were impressed ; but for what reason it does not appear.

While Great Britain and her Colonies were thus active in raising an army and navy for the invasion of Canada, France was quietly prepar- ing an expedition, on a much grander scale, having in view, not only the recovery of Louis- burg and her other lost possessions, but the conquest of all the British Colonies in North America. A fleet of sixty-six sail, with fifteen thousand men and a land force of eight thou- sand, had sailed from Rochelle, under the Duke D'Anville ; and had been seen off the coast, before the Colonists were aware that any such expedition was contemplated. The Colonies were greatly alarmed at this unex- pected news ; and, at the request of Gover- nor Shirley and Admiral Warren, who were then in Boston, the Colony's sloop *Tartar*, Captain Fones, was dispatched, without delay, to con- vey the news to Admiral Lestock, who was then expected upon the coast of Nova Scotia, with an English fleet. Meanwhile, the most active preparations were made, by erecting new works on Goat-island and otherwise pro- viding for the defence of the Colony against the great fleet which was expected soon to show itself off the harbor of Newport.

The French squadron, which had caused so much alarm, did not appear, as had been ex- pected, during the Summer ; and the fears of the Colonists were only quieted late in October, when Governor Greene received a letter from Governor Shirley and Admiral Warren. In this letter, these officers thank the Colony for the spirit it has shown, "by so cheerfully pro- moting a service of so much importance as "the relief of Annapolis Royal, and the sav- "ing of it from falling into the enemy's hands." They also learn from French prisoners that the much dreaded fleet had met with some serious reverses ; and that it was in a very weak con- dition. A subsequent letter from Governor Shir- ley informed Governor Greene that an officer had just arrived with dispatches from Annapolis,

with information that the French fleet had been seen sixty leagues South-west of Cape Sable, whence the inference was that they were in a miserable, sickly, and weak condition; and were making their way to the West Indies. A few days after, the news was received that the dreaded Armada had been dispersed and disabled by a violent storm; that the men had suffered greatly by sickness; that the Admiral D'Anville was dead; and that the Canadian camp, before Annapolis Royal, had been broken up.

Misfortune also attended the transports from Rhode Island, with their troops. Overtaken by a violent storm, some of them were wrecked on Mount Desert, and half their men perished. Others suffered severely by the weather and disease. A portion landed at Martha's Vineyard, whence they reached Boston. The expedition thus proved a total failure; and no further attempts were made, during the following Winter, to reinforce Annapolis Royal.

XVI.

RENEWED DEMANDS FOR TROOPS AND SUPPLIES FOR ANOTHER EXPEDITION AGAINST CANADA. THE COLONY DECLINES TO FURNISH THEM. DIFFICULTIES IN GETTING MONEY FROM ENGLAND FOR THE EXPENSES INCURRED. PEACE WITH FRANCE. WAR AGAIN BREAKS OUT. PREPARATIONS FOR THE CAMPAIGN.

Although the expeditions by sea, for the proposed conquest of Canada, had failed, it was determined to send a large body of Colonial troops into the interior, for the purpose of taking Crown Point, then occupied by the French. Rhode Island was again called upon to furnish men for this campaign; but, owing to the lateness of the season, having no stores on the Hudson, and being without transports and men in condition for it, they were unable to take any part in it. Connecticut also declined to furnish troops. But it was necessary still to send reinforcements to Nova Scotia, in order to secure the conquests made there the preceding year; and, with this view, Governor Shirley again called upon Rhode Island. "The 'readyspirit,' writes Governor Shirley, 'which the Government of Rhode Island showed for assisting in this important service, upon the very first application to Your Honor for that purpose, leaves no room to doubt, but that they will exert it now, with equal vigor, and not let slip the opportunity of employing the same Companies, or what may be left of them, so beneficially for His Majesty's service and the good of the Colonies, as the sending of them to Annapolis Royal, at this critical juncture.'"

Governor Greene convened the General Assembly and submitted the letters of Governor

Shirley to them. They would gladly have entered into his schemes, had it been possible; but the want of provisions and stores on the Hudson prevented their acceding to the first request, while for the alternative, as it was mid-winter, it was equally impossible. The cheering news reached the Colony, soon after, that Parliament had made a grant of eight hundred thousand pounds for paying the charge of taking and keeping Cape Breton, by the people of New England; as well as for the charge of raising forces for the expedition that was designed against Canada.

Urgent calls came out again, in the Spring, in letters from the Duke of Newcastle, for the New England Colonies to furnish troops for the maintenance of British power in the island of Cape Breton. Governor Shirley and Admiral Knowles reiterated the demands of the King, in their letters to Governor Wanton. They particularly desired that Sir William Pepperrell and Lieutenant-general Phillips might be permitted to fill up their Regiments by recruits from the New England levies, whose term of service had expired; and earnestly begged Governor Wanton to use his influence and authority in enabling them to effect so desirable an object.

The Colony made bitter complaints, at this time, at the backwardness of the Home Government in repaying it for the heavy expenses incurred by it in the expedition against Louisbourg, and the more recent expenses for sending troops and supplies for the relief of Annapolis Royal. A long correspondence, between the Governors of Rhode Island and Massachusetts, took place on the subject, which is given at length in the *Colonial Records*. From Governor Wanton's letter to the Lords of the Treasury, transmitting the vouchers for expenditures by the Colony of Rhode Island, it is shown that, for the expense of raising three Companies of soldiers, in purchasing arms, ammunition, tents and provisions, in advancing them pay, in hiring transports, and in equipping and manning a convoy for the late expedition to Canada, she expended no less than seventy-six thousand and eighty-three pounds, eleven shillings, and fourpence, New England currency, which reduced to sterling was ten thousand one hundred and forty-four pounds, nine shillings, and sixpence, for which sum the Governor drew on the Treasury, through Richard Partridge, the Agent of Rhode Island, in London. Of this sum there was allowed but seven thousand five hundred and four pounds, four shillings, and fourpence. The Treasury also allowed six thousand three hundred and twenty-two pounds for the Cape Breton expedition, which was subsequently reduced to three thousand seven hundred pounds,

but not paid until the year 1750; and then only after the most urgent calls. The Colony also received seven thousand five hundred and seven pounds for the expenses of the campaign of 1746-47.

A Treaty of Peace between England, France and Holland was signed at Aix-la-Chapelle on the nineteenth of April, and made known to the Colony, in a letter from the Duke of Bedford, who directed the King's Proclamation to be published, that all his subjects might pay due obedience thereto. By this Treaty, the conquests made by New England troops reverted to the French—a great disappointment to the Colonies which had spent so much money and made such sacrifices during the war.

The war-sloop *Tartar*, commanded by Captain Holmes, anxious for another brush with the enemy, went to sea without orders; and, soon after, fell in with a Spanish vessel, pretending to bear a flag of truce, which she captured and sent into Newport, in charge of Lieutenant Vaughan, where her cargo, consisting of sugar, was discharged. This sugar was intended for one of the northern Colonies.

As there was supposed to be something illegal about this seizure, the subject was brought before the General Assembly. The Committee to which the matter was referred reported that the sailing of Captain Holmes without orders was a great misdemeanor; but it appears that it was without any bad design, and to keep his men from deserting. The Committee thought Holmes did wrong in putting his Lieutenant on board the prize as a pilot, as he was second in command on board the *Tartar*. They also blamed him for not reporting himself to the Governor, or his Deputy, immediately on his return. Upon the whole, though it appeared to the Committee that Holmes had been guilty of several misdemeanors, they did not amount to a sufficient cause for a suspension from his post as Captain.

After this, the *Tartar*, which had done such effective service, was dismantled, and her crew discharged: Subsequently, the General Assembly ordered her to be sold at auction, with her equipments.

Complaints were made to the Lords Commissioners of the Admiralty, at this time, that an iniquitous trade was subsisting between the Colony of Rhode Island and the King's enemies, under color of flags of truce. The result of the inquiries showed that, during the previous year, above twenty sail of vessels, commissioned as flags of truce, by the Government of Rhode Island, to carry prisoners to the West Indies, had really taken but few prisoners; but, under color of their commissions, had carried cargoes of provisions to the French, and, in return,

brought back the produce of the French sugar plantations.

The Peace, so lately concluded with France, was not of long duration. In 1753, war again broke out; and the English American Colonies rushed once more to arms. Fort George was put in thorough repair at an expense of ten thousand pounds; to raise which, a tax was levied on the Colony. Soon after, came an order from England to raise three thousand men, in New England, who were to be placed under the command of Generals Shirley and Pepperrell. The General Assembly was convened by Governor Greene; and the letters from Secretary Robinson and Governor Shirley laid before that body, who promptly passed an Act raising four Companies, of one hundred men each, "to be employed on a secret expedition." Fearing there might be a short supply of provisions in the northern Colonies, Governor Shirley urged upon Governor Greene the necessity of preventing the shipment of all provisions and warlike stores which would find their way to the French. Massachusetts had passed an Act prohibiting the exportation of these articles; and, it was but right that the other Colonies should do the same.

The preparations for carrying on the present war with France were on a more extensive scale than those of the previous wars, the operations connected with which were confined to the eastern Provinces of Nova Scotia and the adjacent parts. Now, the designs of the French were to drive out the English from the western parts of New York, Pennsylvania, and Virginia, and confine them to a narrow strip along the Atlantic coast; indeed, it was even proposed to drive them from the continent entirely. On the other hand, the English Colonists, fearing a subjugation, were determined to organize and carry out a series of operations against their enemies, extending from the extreme limits of Nova Scotia to the Mississippi. They were to be attacked at Quebec and Montreal; at the frontier posts of Crown Point, Oswego, Niagara; and at Fort Du Quesne, (now Pittsburg.) The campaign began with the attack by General Braddock on Fort Du Quesne, where the French had erected a strong fortification, and where he met with a total defeat. It was in this unfortunate campaign that Washington, then a Colonel, was engaged.

Governor Shirley of Massachusetts was one of the most active spirits in this great war, conceiving, organizing, and carrying out some of the most wise and important measures. In his letter to Governor Greene, of the twenty-fourth of February, 1755, he says, "the expedition in Nova Scotia and the schemes which occupy the attention of the French and a great part

"of their forces on the Ohio, afford a most favorable opportunity for the five Colonies of New England, and those of New York and the New Jerseys, to erect such a fort near Crown Point as may command the French fort there and curb the city of Montreal." An expedition, therefore, against Crown Point, became a leading measure of Shirley, and one to effect which, all the resources at his command were to be employed. This fort commanded the principal pass to the heart of Canada; and the plan was "to build a fort so situated as to command Fort St. Frederick, at Crown Point, to be made defensible against the strength which the French might suddenly bring against it from Montreal." Colonel William Johnson, a most active and influential man, living in the Mohawk country, in the Province of New York, and more particularly distinguished for the great influence he had, for many years, obtained over the Six Nations of Indians, was placed at the head of the intended expedition.

As on former occasions, Rhode Island was called upon alike by the King, through Secretary Robinson, and by Governor Shirley, to furnish its quota of troops, as well as to supply provisions and other necessities for the war. The former intimates that "as there is a considerable number of foreigners, particularly from Germany, in the Colony, who will be capable and willing to bear arms upon this occasion," that a portion of the desired recruits may be obtained from them.

At the May Session of the General Assembly, an Act was passed for raising four Companies of troops of one hundred men each, for the express purpose of carrying out the designs of Governor Shirley, which troops were "to join and act in conjunction with those of the other Governments of New England, under the command of the General of the whole army." An Act was also passed to emit sixty thousand pounds, old tenor, in paper money, towards defraying the expenses of the expedition.

[TO BE CONTINUED.]

VII.—AN UNPUBLISHED LETTER FROM THE CAMP, JULY, 1780.

COMMUNICATED BY WILLIAM L. STONE, ESQ.

CAMP PRACKNESS N. JERSEY 15 July 1780
DEAR & HONORED SIR

You will undoubtedly be glad to know that your son has safely arrived at camp, & with health sufficient to do the duty of a Soldier.

I left New Haven the day after my father did & at evening reached Stamford. As I passed through Fairfield & Norwalk (the first time I have seen them since their destruction) I was

almost persuaded to vow eternal enmity to the name of Britons. My better feelings were aroused by reflecting on the baseness of human Nature, & compassionating the situation of the unhappy sufferers. I tarried at Stamford six days.

From Stamford I came to West Point—at which place I tarried long enough to take a view of all the principal fortifications there. My knowledge of fortifications is very trifling; but I could, however, make up my judgment partly from my own observation, but more from the remarks of others who have both ability and opportunity to become perfectly acquainted with the natural as well as artificial strength of the Post. Every hill on each side of the River upon which forts are erected appeared formidable by Nature; but the amazing strong works which are raised on every convenient place, make them terrible to the view & much more so if approached in an hostile manner. From many considerations it is believed that the Post is only defended by a small force, although it should be attacked by a very large one.

From West Point I travelled in company with General Arnold to this Place. The most of the Army I found destitute of Tents & encamped in a Wood, with no other security from the inclemency of the weather than the boughs of Trees or now & then a bark Hut. The evening after my arrival in Camp a rain began, which continued almost two days—the most of which time I was wet to my skin, as were all that were with me. This served as an hardening, but it gave me a cold, the effects of which I am not perfectly rid of yet. But we have now the happiness to be covered by Tents of the best kind, which, with the prospect I have of regaining my health, makes me very contented. I find all the gentlemen & indeed all the Lords of the Regiment to which I belong very destitute of almost every convenience. I thought the place of their encampment very suitable to their appearance, & I still think they ought not to have left the woods till they had been clothed anew from head to foot. Besides being very ragged and very dirty (which, by the way, they were unable to prevent for want of a change of clothes) they were supplied with but half allowance of Meat, Bread or Rum. Whilst I pitied the poor fellows for the neglect with which they were treated, my admiration was drawn forth at a view of the patience with which they bore it. Not a single complaint have I heard made by a Soldier since I joined the army. Every one seems willing to wait for a compensation till his country can grant it to him without injuring herself—which happy time we expect is near at hand. The arrival of the French Fleet at Newport, of which I doubt you have full information, very greatly exhilarates

our Spirits, and gives us the glorious prospect of soon retaliating for the loss of Charlestown [Charleston?]. We expect speedily to have the pleasure of joining the troops of our glorious Alley at the White Plains—the consequence of which must be nothing short of a complete *Clintonade*. The only regret I feel on the occasion is this “that America should be so lost to her own glory as well as interest, and at a time too when she abounds in the best of Soldiers to suffer a foreign force to enter her territories and fight her battles.” It carries with it a disgrace which she will never be able to wipe out. This is at present my opinion, which I am sensible is worth very little, & which I may probably have reason to alter in a very short time. I wish I may.

Should an attempt be made upon New York the danger will be great, and Death will be very busy, for the besieged will doubtless defend themselves with the most obstinate bravery. Then, Sir, I know you will shudder for your Son. But at the same time you wish for his safety, I hope you will as ardently wish that his conduct may be such as may do honor to himself & to his friends—so that if it should be the will of Heaven that he shall be found among those who shall nobly fall in the defense & for the support of so glorious a cause as that in which we are engaged, you may have reason to say “I thank thee ‘Heaven! My Boy has done his duty’”

But it is time for me to put an end to this very long letter. However, you will consider, Sir, that your patience will not be exercised in this way very often. The Bearer is a Soldier of the Regiment whose time is out. I doubt not he will be paid for his trouble—that is fed, & if he wants it, lodged. My best regards to Mama—respectful compliments to Capt. Whiting & Mrs. I shall wish much to hear from home, but do not wish my Father to write me unless he has a very direct opportunity. The Army will soon move from this place—perhaps to White-Plains. With every sentiment of the most dutiful respect,

I am your

Son

SAM^l. COGSWELL

MR. COGSWELL,
WINDHAM.

VIII.—POPULAR ERRORS IN REGARD TO THE BATTLES OF THE WAR.*

BY GENERAL J. A. EARLY, C. S. A.

FIRST BATTLE OF MANASSAS.

So much of trash and falsehood has been written and published in regard to the operations of our late great war, that it may well be

doubted whether an accurate history of it can ever be written. Certain it is, that the historian, who, in the future, shall undertake to eliminate the truth from the mass of falsehood and error which obscures it, will find his task a most difficult, if not an impossible, one. The first accounts of battles which met the public eye were from the pens of anonymous newspaper correspondents, and telegraph dispatches by irresponsible parties, on both sides. These were eagerly read by an impatient and unreflecting public; and formed the *data* upon which the great mass of readers based their opinions as to the events which were transpiring. They were gathered up and treasured by literary adventurers, anxious to forestall the demands of the reading public by hastily written and crudely digested narratives. When the Official Reports, often unavoidably delayed, for a long time, did appear, the public attention was attracted from them by new and important events, which were hurrying fast upon the heels of each other; and the consequence was, that most men retained the impressions made upon their minds by the first accounts. It resulted from this state of things that many erroneous opinions as to important facts obtained; and these have been perpetuated by the many books, claiming to be histories of the war, which have been given to the world, both during and since the close of hostilities. The authors of these books, in most cases, do not seem to have deemed it necessary to scrutinize closely the authorities upon which their facts are stated; and, in numerous instances, they have utterly ignored the Official Reports. If they are careless as to their facts, they are unsparing in their criticisms or lavish of their praises, as their prejudices or partialities prompt them.

A book has been written and published by an intelligent foreigner, who was present with McClellan's army, as an observer, for some time, and was subsequently within the Confederate lines, which shows, on its face, very clearly, that the author was anxious to state the truth and to do justice in his observations; but, unfortunately, he has been led into many errors by writers of the class above mentioned. This book is a *History of the American War*, in three volumes, by Lieutenant-colonel Fletcher, Scots Fusilier Guards, published in London. The author is evidently a gentleman and a soldier of intelligence and training. The tone of his work

* This paper originally appeared in the February, 1869, number of *The Land we Love*, a Magazine edited by General D. H. Hill and published at Charlotte, North Carolina; but as the errors in that publication of it were subsequently corrected by General Early, for our use, and as all the Notes, except one, are now printed from his manuscript, also kindly sent for our use, the article, as it now appears, possesses the character of an original article, expressly prepared for us by its distinguished author.—EDITOR HISTORICAL MAGAZINE.

is admirable; his remarks and criticisms are often just; and he does justice to the valor and patriotism of the Confederate armies and to the public spirit of the Southern people. He fully appreciates the great disparity in numbers and resources of the two armies; and, as a natural consequence of his being a trained soldier, understanding something of the subject about which he is writing, he is much less pretentious and dogmatic, in his criticisms, than the writers who never learned to "set a squadron in the field;" but he gives them with a modesty and hesitation becoming a gentleman and a soldier. It is a great pity that he did not have the materials for writing an accurate history of the war; but he has been misled, in many particulars, by others, and has adopted some of the currently-received errors.

As a sample of the prevailing delusions as to many important facts, it is only necessary to refer to the first battle of Manassas, called by Northern and English writers, "THE BATTLE OF BULL RUN." It would seem that, by this time, that battle ought to be understood. It was the first great battle of the war; and the materials for a true history of it undoubtedly exist. At that day, Federal commanders had not learned to distort facts as well as they did afterwards; and McDowell's Report furnishes a very fair account of his side of the battle; while the published Reports of Generals Johnston and Beauregard are very full. Besides these, there were the Reports of subordinate commanders on file, for years, in the Adjutant-general's office, at Richmond, which would have given all necessary information as to minor details. On the Federal side, the reports of "masked batteries" and "legions of Black-horse Cavalry," which existed only in the imagination of frightened correspondents and stampeding teamsters, have been very effectually exploded; but it seems not so easy to get rid of the false accounts given by Southern correspondents. Even so learned and able a writer, so conscientious a gentleman, and so earnest an investigator of the truth, as Doctor Dabney, has been imposed upon by some of the current fictions in regard to this battle; and has incorporated them in his life of General Jackson.

Of all the facts connected with the battle, it would be presumed that there ought to be less doubt about who commanded on the victorious side, than about any other; yet, a very gross blunder has been committed, in this respect, by all the writers who have attempted to describe the battle, except the two most interested, and who knew best—Generals Johnston and Beauregard. The prevailing opinion at the South, at the North, and abroad—shared in, too, by very many officers and soldiers who

participated in the battle—is, that General Johnston yielded the command, or chief direction of the operations on the field, to General Beauregard, his junior. The latter fact has been stated in various ways, all, however, substantially the same. The following is the manner in which Colonel Fletcher has stated it: "On his arrival at head-quarters, General Johnston would, by right of seniority, have been entitled to take the command; but, with rare unselfishness, and with a full approval of the plans of General Beauregard, he waived his privilege, and agreed to serve under his junior officer."

It will be a matter of surprise to very many to learn that there is no truth in this statement, except that General Johnston approved and adopted a plan of attack, proposed by General Beauregard, which was to have been made by the troops of the latter, and followed up by the troops which General Johnston had brought with him, but which was frustrated entirely by subsequent events. Yet such is the case, and the facts were these: on his arrival, at Manassas Junction, on the twentieth of July, General Johnston assumed the command of the whole army, and promulgated the fact in a written Order of that date. He at once determined to attack the enemy, the next morning, and, as General Beauregard was familiar with the country in front and the relative positions of the two forces then confronting each other, that officer was very properly consulted as to the plan of attack. General Beauregard proposed a plan of attack, which he had previously matured and communicated, in confidence, to his Brigade commanders, who were in position, ready to carry it out when the opportunity occurred. General Johnston approved, and adopted the plan, and ordered General Beauregard to make the attack with his troops, as proposed; but the former still retained the general supervision and control of all the troops, and the chief direction of the operations. That is, he remained the actual Commander-in-chief of the army; and General Beauregard was intrusted, in a subordinate, but still conspicuous, position, with the execution of the plan of attack he had proposed. This plan of attack was, however, thwarted entirely by the movement of McDowell against our left; and the battle was fought on ground not contemplated by General Beauregard, and according to a plan which had to be devised on the emergency. Instead of being a battle on the offensive, as contemplated by General Beauregard's plans, we were thrown on the defensive, by General McDowell's flank movement; and the ground on which the battle was fought, was of the enemy's choosing.

To set this matter at rest, the following extract is given from a letter from General Johnston to the writer of this article. This letter was written nearly eighteen months ago, and was not intended for publication, but as the extract is in reference to a matter of great historical importance, no hesitation is felt in using it.

General Johnston says, in reference to the command at the battle: "General Beauregard's influence, on that occasion, was simply that due to my estimate of his military merit and knowledge of 'the situation.' As soon as we met, I expressed to him my determination to attack next morning, because it was not improbable that Patterson might come up Sunday night. He proposed a plan of attack, which I accepted. It was defeated, however, by the appearance of Tyler's troops, near the Stone Bridge, soon after sunrise. He then proposed to stand on the defensive there, and continue the offensive, with the troops on the right of the road from Manassas to Centreville. This was frustrated by the movement which turned Cooke and Evans; and the battle fought was improvised on a field with which General Beauregard and myself were equally unacquainted. Early in the day, I placed myself on the high, bare hill, you may remember, a few hundred yards in the rear of Mitchell's-ford; and General Beauregard soon joined me there. When convinced that the battle had begun on our left, I told General Beauregard so; and that I was about to hasten to it. He followed. When we reached the field, and he found that I was about to take immediate control of the Brigades engaged, he represented that it would be incompatible with the command of the army to do so; and urged that he should have the command in question. I accepted the argument. This, however, left him under me."

This statement would not be doubted if it depended alone on General Johnston's assertion; but it is also in conformity to the facts stated in General Beauregard's report.

It has been supposed by some, that General Beauregard claims, in his Report, that the chief direction of the operations on the field had been yielded to, and was exercised by, him; but such is not the case, as will be seen by a careful examination of the Report itself.

In the first part of the Report, General Beauregard says: "General Johnston arrived here about noon on the 20th of July; and, being my senior in rank, he necessarily assumed command of all the forces of the Confederate States, then concentrating at this point. Made acquainted with my plan of operations

"and dispositions to meet the enemy, he gave them his entire approval, and generously directed their execution under my command."

He then proceeds to show how the plan for the attack on our part had been frustrated, and to describe the commencement of the battle on the left, to which point he and General Johnston proceeded; and he further says: "As soon as General Johnston and myself reached the field, we were occupied by the reorganization of the heroic troops whose previous stand, with scarce a parallel, has nothing more valiant in all the pages of history, and whose losses fully tell why, at length, their lines had lost their cohesion. It was now that General Johnston impressively and gallantly charged to the front with the colors of the fourth Alabama Regiment by his side, all the Field Officers of the Regiment having been previously disabled."

* * * * *

"As soon as we had thus rallied and disposed our forces, I urged General Johnston to leave the immediate conduct of the field to me, while he, repairing to Portico—the Lewis House—should urge reinforcements forward. At first he was unwilling, but reminded that one of us must do so, and that properly it was his place, he reluctantly but fortunately complied; fortunately, because from that position, by his energy and sagacity, his keen perception and anticipation of my needs, he so directed the reserves as to insure the success of the day."

At the time of which General Beauregard is speaking, the only troops on the field and engaged, were Evans' demi-Brigade of a Regiment and a Battalion, Jackson's and Bee's brigades, Hampton's legion, (less than a Regiment,) and several Batteries of Artillery; and it was these troops of which he took the immediate command. Subsequently to this, three Brigades and three Regiments were brought up and went into action. Five Brigades remained further to the right, guarding Bull Run, below, and watching the force threatening our right and centre—two of which Brigades were ordered to the field, but did not arrive until the battle was over. It was, therefore, very proper, that, at this juncture, General Johnston should not take the active command on the field of only a small portion of his troops, who were engaged in the attempt to hold their position until reinforcements arrived; and that he should yield that command to the second in rank, while he himself directed the movements of the approaching reinforcements, and superintended the general operations of the whole force from right to left. He did not leave the field, to direct the movements of the reinforcements; but remained upon it, on

horseback, in the proper position for the commanding General to be, and there the writer found him, on his arrival, and received from him, in person, the orders which carried his Brigade into action. It was the skill with which General Johnston ordered the reinforcements into action that turned the tide of battle and insured the victory, which, before, hung in the scales. General Beauregard, with admirable courage and skill, performed the duty assigned him, and richly earned the promotion awarded him; but to General Johnston is due the credit attached to the chief command.

To place the truth before the world, is not to do injustice to General Beauregard, as he is entitled only to the glory which he actually won; and that is sufficient to give him undying fame. General Johnston is entitled to the honor of having, as Commander-in-chief, won the first great victory of the war; and let it be given to him.

Another most remarkable misapprehension in regard to this battle, is the generally received opinion that General E. Kirby Smith, while passing, with a body of troops, over the Manassas Gap Railroad, heard the roar of battle; stopped the trains of cars, then on their way to Manassas; and moved directly for the battle-field, so as to come upon the enemy's right flank and rear, and, by a vigorous assault in that quarter, to turn the tide of battle. This alleged feat has been described in a variety of ways. One account has it, that as he was seen approaching from the unexpected direction, General Beauregard mistook his column for a fresh force of the enemy and sent directions to prepare for a retreat; but soon a gentle breeze unfurled the Confederate flag over the approaching column; the mistake was discovered; the previous orders for a retreat countermanded; a new attack ordered; and the enemy put to flight. Another account, contained in a book published in London, by an Englishman who professes to have been in the Confederate Army, as a Lieutenant of Artillery, is, that President Davis arrived at the Junction, during the battle, and, learning that our troops were being defeated, jumped on a horse and galloped to the field for the purpose of sharing the fate of the army. On nearing the scene of action, he discovered our army in full retreat before the victorious Federals; but, just at that critical moment, Smith's command came up, in the rear of the enemy; recognized the Confederate President; gave a wild cheer; and rushed upon the hitherto victorious columns, which, unable to withstand the onset, fled in utter confusion and dismay.

All these accounts are very graphic and very glorious, but, unfortunately, there happens not to be a word of truth in the whole story. Gen-

eral Smith, even if he heard the noise of the battle while on the cars, certainly did not stop them, but arrived at the Junction with Elzey's Brigade of Infantry and a Battery of Artillery, under Lieutenant Beckham; and, finding orders for him to move to the battle-field with the rest of the command, after detaching one Regiment for duty at the works, did so very promptly. Moving on the direct road, he came upon the field in rear of our line, where he was wounded, very shortly after his arrival. Elzey then moved to the left, under orders from General Johnston; met and checked a column of the enemy which was attempting to flank our left; and participated in the final struggle which ended in the enemy's repulse and rout. These facts are stated with great clearness and precision by General, then Colonel Elzey, in his Report, which happens to be the only one of the Reports of Brigade commanders which was published; and it is to be found in Moore's *Rebellion Record*, volume I, page —, a work, in several volumes, collated and published at the North, containing much trash and falsehood, with some truth.

All the published accounts of the battle, except the official ones, contain this alleged exploit of General Smith, with comments on it; and it is a little singular that none of those critics professing to give authentic histories, have ever thought of looking to the Official Reports to verify the truth of it.

General Johnston's Report is not at hand to quote from, but here is what General Beauregard says in regard to this matter: "Another important accession to our forces had also occurred about the same time. At three o'clock, P. M., General E. K. Smith, with some one thousand seven hundred Infantry of Elzey's Brigade, of the Army of the Shenandoah, and Beckham's Battery, came upon the field from Camp Pickens,† Manassas, where they had arrived by railroad, at noon. Directed, in person, by General Johnston, to the left, then so much endangered, on reaching a position in rear of the oak-woods, South of the Henry House, and immediately East of the Sudley-road, General Smith was disabled by a severe wound; and his valuable services were lost at that critical juncture.

"But the command devolved upon a meritorious officer of experience, Colonel Elzey, who led his Infantry at once somewhat farther to the left, in the direction of the Chinne House, across the road, through the oaks skirting the West side of the road, and around which he sent the battery under Beckham. This officer took up a most favorable position, near the house, whence with a clear view of the

† Camp Pickens was at the Junction.

"Federal right and centre, filling the open fields to the West of Brentsville-Sudley-road, and gently sloping southward, he opened fire, with his Battery, upon them, with a deadly and damaging effect.

"Colonel Early, who, by some mischance, did not receive orders until two o'clock, which had been sent him at noon, came on the ground immediately after Elzey, with Kemper's Seventh Virginia, Hays' Seventh Louisiana, and Barksdale's Thirteenth Mississippi Regiments. The Brigade, by the personal direction of General Johnston, was marched by the Hollaham House, across the fields, to the left, entirely around the woods, which Elzey had passed, and under a severe fire, into a position in line of battle near Chinne's House, outflanking the enemy's right."

Then ensued the last conflict, which resulted in the enemy's defeat. The last portion of the above extract is not given for the purpose of disputing with Generals Smith and Elzey for the honor of the alleged attack on the enemy's right and rear, but to show that the present writer was in a position to know that of which he speaks. He was on the extreme left, and in a condition to know that none of our troops came upon the rear of the enemy's right flank. General Smith was entitled to great credit for the promptness with which he moved to the battle-field, and the timely arrival of the command, and its subsequent movement to the left under Colonel Elzey, undoubtedly averted a disaster. The latter officer gallantly won his promotion on that occasion; and subsequently showed himself eminently worthy of it.

A brave man does not feel complimented by having ascribed to him deeds which he did not perform. He desires credit only for what he has done. Neither the hero of Richmond, Kentucky, nor the gallant Elzey stands in need of fictitious laurels.

Another error, into which many writers have fallen, is a statement that Holmes' Brigade came up and participated in the final repulse of the enemy; whereas the fact is, it did not reach the battle-field at all, or if it did, not until the battle was over and the enemy in entire rout.

The foregoing are some of the glaring blunders

in regard to this battle, committed by writers claiming to be historians of the war—blunders committed, not by a few, but by many. It is true, they are sustained in them by the common opinion; but this does not make history. The historian who adopts common rumor, not founded on actual knowledge, when authentic annals are within his reach, is undeserving the name.

In view of such errors in the accounts of the first battle of Manassas, the authenticity of the remark attributed to the lamented Bee, from which the surname of "Stonewall" was given to General Jackson, may well be doubted. Fortunately the fame of that great hero does not rest on the authenticity of the incident, though he will forever remain endeared to the Southern people and their descendants by the popular appellation; and the name itself will be as immortal as that of "*Cœur De Lion*." But it is a question whether any better authority can be vouched for Bee's exclamation, than that of the "reliable gentleman" so often quoted. There was nothing more likely than that the gallant Bee, in his appeal to his shattered troops, should have referred them to the example of Jackson and his brave men; but a stone wall gives no appropriate idea of Jackson's character as a soldier. He was not likely to remain stationary long enough for the comparison; and he was more like a thunderbolt of war, than so pacific a thing as a stone wall.

Where writers of history commit such errors in regard to facts as those which have been pointed out, what weight is to be attached to their criticisms on the events they relate? Yet they pronounce them with unhesitating confidence, and with a positiveness which is intended to estop all dissent.

No event of the war has elicited more unsparing criticisms than the failure to prosecute the victory at Manassas to the capture of Washington. The opinion that Washington city would have fallen into our hands, if we had advanced at once, is expressed in the most dogmatic manner. It is said that the Federal army was utterly routed and demoralized, and, if the Confederate army had gone on, the Federal authorities and soldiers would have fled from the city; and it would have fallen without a struggle. The ignorance and incompetency of the self-constituted historians is not more signally shown in their relation of the facts of the battle, than it is in their criticisms upon the failure to follow up the victory. There is

† This is a mistake in regard to the time the Order was received. It was received between twelve and one o'clock though there had been some delay in its transmission, as it came through General D. R. Jones, in a note to him, and was in these words: "Send Early to me." If the Order had not been received until two, the Brigade could not have been marched from the rear of McClean's-ford, where it was, at the time the Order was received, to the battle-field, by the time specified, though the utmost haste was made, as the survivors of the Brigade will well recollect. It is a little singular that General Beauregard had, in his Report, previously stated that the Order, here alleged to have been sent at noon, had been sent at 10:30 A. M. This shows how errors will creep into the most carefully prepared documents.

‡ Doctor Dabney has since vouched very good authority for the remark by Bee. Though, in his book, he effectually rebuts the appropriateness of the comparison, by using, in regard to Jackson, just at that time, the following expression: "He rode, the presiding genius of the storm." Which did not furnish a very good exemplification of a "stone-wall."

one important feature in the geography of the country which they utterly ignore. They take no note of so important a fact as the existence of the Potomac River. Now, rivers are very easy things to cross in times of peace, where there are bridges and ferries to facilitate the passage, but in war they furnish very formidable obstacles to the passage of armies. The Potomac at Washington and for many miles above is a wide and deep river, not fordable; and, at that time, with no bridges except those at Washington and Georgetown, both of which, besides being very destructible, were susceptible of defence by a mere handful of men against an army of any size. There was, in addition, the aqueduct of the Chesapeake and Ohio Canal, which was still more easy of defence, and could also have been readily destroyed. When any man undertakes to declare that Washington city could have been captured by an advance, immediately after the battle of Manassas, let him state how the river could have been crossed, first, in the face of an army, however small and however demoralized; and if he cannot do that, then let him say how the river could have been crossed, if the city had been evacuated after the bridges had been burnt, the aqueduct blown up, and all the boats destroyed. When he comes to answer these questions, then perhaps he may realize some of the difficulties in the way of the capture of the Federal capital, even at the time it was in the greatest dismay.

General Johnston, in a letter published in the *Selma Times*, near two years ago, in review of some comments of Doctor Dabney, in his life of General Jackson, on the failure to advance, has stated why Washington was not and could not be captured, after the victory of Manassas. He does not attempt to evade the responsibility, or to shift it on to the shoulders of another, but boldly assumes the responsibility attached to his position as Commander of the army. His facts are true, and his reasoning is unanswerable.

Washington could not have been captured; and it is idle to talk about it. Our army, formed of new levies, just taken from civil life, and officered, in a great measure, by civilians, unaccustomed to command, was, itself, in a great measure, demoralized by the victory. The troops which had been actively engaged in the battle, had not won their victory without being themselves considerably shattered. It required time to restore order and put the various commands in a condition to move. The writer had occasion to ride over the battle-field; in the direction of Manassas, the night after the battle, and he saw enough to discover that most of the troops which had been engaged in

the battle, were in no condition to move the next day. It was one of the evils inherent in raw troops. A year later, on the same field, the case was very different,—but, at the first battle, we were all new in the practice of the art of war; even our Generals were inexperienced in command; and they are not to be judged by the same rules applicable to experienced commanders with disciplined troops to control.

But independent of all other considerations, the Potomac furnished to us an impassable barrier against our advance to the Federal city. That river is a mile wide, at Washington; and we had no guns of range sufficient to fire across the river, into the city. If we had, therefore, moved promptly on the morning of the twenty-second, and the Federal troops had abandoned entirely the South bank of the Potomac, on our approach, we could not have forced a passage of the river, even if we had had the means of crossing, after getting there. Runyon's Division of McDowell's army did not get up to the battle ground, nor even to Centreville; and it was intact. Mansfield had remained in Washington, with fifteen thousand troops, when McDowell advanced. Besides, there were war-vessels lying near Washington, with heavy, long-range guns. These latter (Mansfield's troops and the war-vessels) would have been sufficient to dispute the passage of the river with us, successfully, even if the whole of McDowell's army, including Runyon's Division, had been utterly paralyzed or dispersed. It is folly to suppose that the city would have been evacuated and the bridges left intact. If all the civilians and politicians had stampeded, still there were some old soldiers there; and they would have retained their senses. There was not a ford on the Potomac practicable for Infantry, nearer than White's-ford, about six miles above Leesburg and about forty miles above Washington. Below White's-ford, there was no bridge except the Chain-bridge at Georgetown, and the Long-bridge, at Washington. We had no pontoons and no means of constructing them. White's-ford was an obscure ford, in a farm; and, in 1862, the banks of the river had to be dug down at that place, to permit the crossing of the trains and artillery of Jackson's Corps. Before the time at which our army could possibly have reached it, if it had moved promptly, the rain which began to fall the morning after the battle, had rendered the river unfordable at all points. We could not possibly have followed so closely on the heels of the routed army, as to have entered the city along with it, even if that had been practicable, had we been able to follow closely enough to make the attempt. The most of the

enemy's troops were in Washington city, or under the protection of the guns at Arlington Heights, by light, next morning. Who imagines that it would have been possible for our men to have kept up with the panic-stricken fugitives from the battle-field, in such a race as they made?

The obstacle furnished to us, therefore, by the Potomac, was an insurmountable one,—if there had been no other difficulties in the way. We were not then in a condition to undertake a war of invasion; and it would have been folly to have undertaken it. Most of our men were wholly unused to marching; and if we had attempted to go into Maryland, or Pennsylvania by the upper fords of the Potomac, the army would have been broken down and demoralized for the want of proper seasoning. The most that an advance could have accomplished, would have been the transfer of our lines to the banks of the Potomac. But what good would that have done? We could have taken that line before the Federal troops crossed into Virginia, but it was then deemed untenable; and if we had taken it after the victory, we would have had to abandon it for the same reason it was not taken in the first place. If we had had a force of serviceable Cavalry, the routed army might have been pursued, and, doubtless, many more prisoners and wagons captured than we got; but we had no cavalry then. What was called Cavalry, consisted, at that time, of nothing but inexperienced mounted men, with very inefficient weapons, which they could not use on horseback; and these mounted men were few in number.

The battle had accomplished the purpose for which the position at Manassas, had been taken. The Confederate Capital had been saved, and the invading army had been arrested in its progress, and hurled back upon the Northern frontier. To have expected more, would have been expecting impossibilities in the then condition of our means of prosecuting the war.

After the victory, the question of an advance by his army, was one for General Johnston to consider and decide. None could be so well informed of the condition of his army and the means at hand for making a successful advance, as himself. Upon him was the responsibility of the decision; and he decided, and decided wisely. Such must be the judgment of all intelligent military critics, upon a full view of the facts, whatever may be the opinions of inexperienced.

If the war could have been fought by fireside Generals, and with paper pellets, doubtless it would have been brought to a speedier and happier end; but, unfortunately, it had to be fought by a very different class of men, and

with much more deadly weapons.

Of all the writers on the war, none have perpetrated greater blunders as to facts, or delivered more presumptuous and erroneous judgments, on military operations, than Mr. Edward A. Pollard, author of a book which he styles *The Lost Cause*. He assumes to be the chosen historian of the South. His book claims, on the title page, to have been written with the sanction of the leading Confederate Generals; and on the back, it is stamped "The Standard Southern History of the War." His publishers, E. B. Treat & Co., of New York, put forth the following circular on the appearance of the work:

"The Only Official and Authorized Southern
"History of the War, now Ready
"for Delivery.

—o—

"THE LOST CAUSE,

"BY EDWARD A. POLLARD,

"Of Virginia.

"Comprising a full and authentic account of the
"rise and progress of the late Southern Confed-
"eracy, the Campaigns, Battles, Incidents and
"Adventures of the most gigantic Struggle of the
"World's History.

"Complete in One Large Royal Octavo Volume of 800 Pages.
"With twenty-four splendid steel portraits of dis-
"tinguished Confederate Leaders."

"The Publishers take pleasure in announcing
"that they have secured the talents of this dis-
"tinguished Author and Historian, in preparing
"a work worthy of the theme and the occasion.

"The history of the vanquished has too often
"fallen to the pen of the victor, and to insure
"justice to the Southern cause, the pen must
"be taken by some Southern man who is will-
"ing to devote his time and talents to the vin-
"dication of his countrymen, in a history
"which shall challenge the criticism of the
"intelligent and invite the attention of all hon-
"est inquirers.

"Such a work will be of peculiar interest to
"the candid and intelligent public of the North,
"and is of the utmost importance to the people
"of the Southern States.

"MR. POLLARD, of all writers in the South,
"is doubtless the best qualified to prepare a com-
"plete and Standard History of the War, and
"to commit to the present and future genera-
"tions, a faithful and worthy record of their
"great struggle, and a cause lost, save in honor.
"Having been employed during the entire
"period of the war as editor of a Richmond

"newspaper, and thus trained to the best sources of information, and by especial research has collected a quantity of historical material pertaining to the secret history of the war which no one else in the country has, or can now obtain.

"He comes to the work with the encouragement and authority of Generals R. E. LEE, J. E. JOHNSTON, BEAUREGARD, "DICK" TAYLOR, FITZHUGH LEE, Ex-Gov. WISE, and other distinguished Confederate Leaders.

"PRICE IN CLOTH, \$5. SHEEP (LIBRARY STYLE,) \$6. HALF CALF (ANTIQUE,) \$8.

This Work is sold only by subscription; to parties where we have no Agent, we will forward the Book upon receipt of retail Price."

The claim thus persistently made for Mr. Pollard, that he is the chosen historian of the Confederate leaders, is not without its effect. Foreigners cannot understand how a man can have the effrontery to set up such a claim unless it is true, especially when it is made for such a length of time without a disavowal. In England, no writer would dare thus use the names of others without permission; and the consequence is, that Mr. Pollard's book is accepted by Englishmen and others desirous of examining the southern accounts of the war, as the work put forth by the authority he claims for it. The claim is certainly not true, as regards some of the gentlemen whose names are specified; and it can hardly be true as to any of them. If Mr. Pollard or his publishers have made use of the names of the distinguished Confederate Generals mentioned, without their authority if in fact he did not come to the work with their "encouragement and authority," it is respectfully submitted whether they do not owe it to themselves, to the truth of history, and to the cause, to make a disavowal, in some form or other. It is most probable that the Circular has never met the eye of any of the gentlemen named in it.

As, in this article, some important historical errors are noticed and corrected, the writer appends his signature.

J. A. EARLY.

DRUMMONDVILLE, CANADA.

I state authoritatively that the claim set forth by the Publishers of *The Lost Cause* is untrue,

I had, then, the written statement of General Johnston that he had not only not given the work his sanction, but he had never seen it or any of Pollard's works. General Lee has since assured me that the statement, so far as he was concerned, was entirely without foundation. He also said that, when Pollard was engaged on his *Lee and his Lieutenants*, in a reply to a request from him for materials for his (General Lee's) Biography, he declined to furnish them; and Pollard made a garbled extract from the letter written to him.

as far as Generals Johnston, Beauregard and Wise are concerned; and I believe it is equally untrue with regard to General R. E. Lee and the other officers named.

EDITOR LAND WE LOVE.
[General D. H. Hill, C. S. A.]

IX.—UNPUBLISHED LETTERS, FROM VARIOUS COLLECTIONS.

1.—John Langdon to Caleb Stark,*

PORTSMOUTH, [N. H.] April 6th 1810

MY DEAR

The last evening's mail brought me your highly esteemed favor of the 20th Inst. I most sincerely take you by the hand and rejoice with you on the pleasing prospect of the Election in Massachusetts; indeed the Republicans of both our States, deserve well of their Country. There appears a glorious prospect of our citizens returning to correct principles. The deceitful game played by the Federalists, will strengthen our Republican Government.

The ingratitude of the Grecian States to the "illustrious Socrates" was great indeed, but may we not, my dear friend look at home in our own Country for this infernal spirit; have we not lately seen in our papers the insult offered to my worthy friend your Hon^d Father, the Hero of our Revolutions. Satan himself would have been ashamed of such black ingratitude, but some of our Federalists, have lost all shame. I sincerely pray we may be henceforth governed by "reason & Common Sense" and old fashioned honesty. Please to accept the homage of my great esteem and respect.

JOHN LANGDON

CALEB STARK Esq.

~~As~~ I had wrote the foregoing before I perceived that I had been writing on a half sheet of paper—pray excuse it.

2.—General Arnold to Lord Cornwallis.†

LONDON Decr. 10th 1799.

MY LORD

Nothing but my very great Confidence in your Lordships goodness, which I have experienced on so many occasions, and my extreme solicitude to make some provision for my Son Could induce me to again take the liberty of troubling your Lordship. He is extremely anxious to go out to India, and having failed in my endeavors to procure him a writership, he has for some time past been qualifying himself for

* From the collection of C. H. Morse, Esq.

† From the collection of C. De F. Burns, Esqr., of New York.

an Engineer, in which he has made great proficiency, and proposes spending the Winter in studying with the Master of the Academy at Woolwich, and has no doubt in a few months of procuring their testimonials of his being perfectly qualified for that situation. Your Lordship was once Kind enough to offer him a Cadetship to India, and the offer has lately been repeated by a friend here, which he will be happy to accept provided he can be assured of Respect with which I have the honor to be

Your Lordship's
Most Obedt & Most Humble Servt.
B. ARNOLD.

3.—*Samuel Hopkins, M. C., of Kentucky, to John Coburn, Esq., of Maysville, Ky.†*

CITY OF WASHINGTON, July 20th 1813.

MY DEAR SIR,

Your favor of the 16th May is received, to render you Any Benefit or pleasure will be always Grateful and pleasing, because I have long since claimed you as a Friend.

I could wish You to be more explicit as to the Offices or Employment you would Accept, —I have kept my Ideas perhaps too Much employed on Judiciary prospects. if any Office in the Revenue worthy Your Acceptance occurs, I should claim it for you.—the Severe indisposition of the President has prevented his Seeing Company for near Six Weeks past, and the Bustle & Confusion incident to the alarm here on the Approach of the enemy, & which will increase until they retreat from the Potowmac, have very Much Paralyzed every kind of business—the Secretaries of War & State are with the Troops down the river, & 'tis said Will not return During the Invasion.—Congress will adjourn in Ten days at most having nearly finished the taxation System, which is estimated to produce Six Million of Dollars, this has reassured Public Credit, & Braced the Nerve of the Administration.—the Senate have refused to Confirm Galatin's Appointment,—the French have Gained Splendid Victories, —& our armies are—eating—& Sleeping—like Sheep Scattered without a Shepherd.

I am Dear Sir Your Friend

SAM. HOPKINS.

4.—*Joseph Brant to Governor Clinton.‡*

NIAGARA, 23 January 1793

DEAR SIR

Since I last wrote you we have had the pleasure of receiving an answer from General Knox to our requisition from the Miamis, to

† From the collection of C. H. Morse, Esq., Washington, D. C.

‡ In the collection of Colonel T. Bailey Myers, Esq.

which Congress has readily agreed—In it they sett forth that they'll meet us at the Miamis, this is a mistake. Lower Sanduskie is the place we appointed and is intended by the Indians,—at this Treaty I expect the end wished for (Peace) will be established Congress well knowing our determination respecting the boundary line, this I hope their Commissioners will be invested with full power to arrange fully, if they prove sincere in their former professions. I think there is little doubt we will then come to understand each other better than heretofore. We wish much to see some of our New York & Pennsylvania friends such as Col Willet &c who know the nature of Indians and their business, exclusive of the Commissioners from Congress, this would afford still greater satisfaction than otherwise, knowing there were men present we look upon as real friends and would do us justice to give us what to us appertains, and we wish it more on account that our reasonableness will not be reported perhaps the reverse of what it is. I am just about despatching an express to the Miamis to make known Genl Knox's speech and shall recommend it to them to refrain from all hostilities and which I dare say will be readily complied with.

Mr. Ferguson a gentleman married to one of my nieces was last Summer in your State in order to recover the Lands the family of my sister left. he was only able to get what belonged to the younger daughter, the rest it being reported had left their home after they were of age, this permit me to assure you is not the case. Peter Johnson who was the elder of the family was born in the year 1759 and left home in 1775 by this youll perceive the impropriety of the report. I must therefore again solicit that youll be so obliging as to give Mr. Ferguson (who is again going down) any assistance you possibly can for the recovery thereof, this favor will be gratefully acknowledged. I have the honor to be Dr Sir with compliments to my friends Col Willett, &c

Your Most Obedt
Hble Servant
JOS. BRANT.

His Excellency Gov^t CLINTON.

5.—*Hosea Maffit, M. C., from New York, to Chas. R. Webster, of Albany.¶*

WASHINGTON, March 1st 1814.

DEAR SIR,

Yours of the 14th of Feb^y last, and one of a more recent date (not by me your last) for which please to Accept of my Acknowledgements. it is really a happy Circumstance that we have in one branch of Our State Legislature a

¶ From the collection of C. H. Morse, Esq., Washington, D. C.

power Able to Neutralize that State: any thing Short of that, the Same Mad projects which mark the proceedings of the Gen^l. Gov^t. here would be seconded in Albany. which would if possible Accelerate our ruin—Granger P. M. Gen^l. removal may be traced back to the time of the President's last Election (Madison altho Small in Stature, Diminutive in Appearance his Vengeance never Cools) at which it was known Granger fav^d Clinton's Election to the Presidency, from that moment Granger's fate has been Determined. his Appointment of Leib to be post Master, Occasioned this Open Rupture. Mr. Ward from Boston boards in the House with me. from his Communications it Seems Massachusetts and the U. States have come to An Armistice till May next, when the Legislature meets again—to-day is the 18th day the Loan bill has been under Discussion, I presume we should not take the Question till the 15th of April next. I am told the Majority will put on the Screw this day, *the previous Question*. Mr. Pickering Spoke on Saturday and yesterday (Monday) he Closed three O'Clock P. M. he is an Uncommon Man—about 70 possesses his Voice, Recollection, his manner as at 30, he Litterally gave Chapter and Verse and Communicated more real information then was Disclosed in the whole 15 days before. His Speech Printed would be a Correct Journal of the Movements of our Gov^t. thus far on their Road to Ruin. Hampton has resigned in Disgrace. Hull is to be Convicted and Sentenced to be S—and pardoned, Wilkinson is also to be Tried disgraced and Compell^d to quit the Army Dearborn was Driven from the Army under Disgracefull Circumstances his Servile Subserviency to the Mandates of the palace, and his Cringing Deportment to the Secretary has suffered him to have his pay Continued, that with his \$500 Coat Satisfies him—these 4 Gen^ls are to Answer the Same purpose to the Administration which the Scape Goat did to the Jewish Nation. In this way the Parade will be Cleared of the Superannuated Rubish the GREAT Secretary at War will have Browns and Izards sufficient to Command the Army Men who know their Military Creator, who are not to think for themselves And as Obedience Constitutes the whole Duty of Man morally—it is in the same way Militarily; with an Army of 66,000 men officered to his mind (which is now progressing in the Senate from day to day) 50,000 Volunteers which the President has Accepted: choice Spirits possessing all the Feelings of the Legion of Honour. with a Lieut, Gen^l, at their Head Commanding all the Armies of the U. States—and Very probably Vice Admiral of the same—to adopt the Language of Mr. Quincy—He may Conquer for himself and his Legion of Honour

Not for his Country—Monro will be willing to Grant his Rival any thing he may require, to Clear the way to the Presidential Chair for himself—

Adieu. it is a dry time here for news—I suppose it would be improper to Show this to any but a friend and perhaps it is not worth Reading

I will not Neglect, if I cannot inform or Entertain you—

I am with Due respect

Your H. Serv^t

H. MOFFITT

6.—Robert Morris to John Nicholson.¶

HILLS, Nov^r. 16th. 1797.

JN^o NICHOLSON, Esq^r

DEAR SIR

It is now 7 o Clock in the Evening and I have not written you one line in all this long Cold, Chilling, Merciless day; Merciless to me for I have been unhappy on Mr Cottringers Account. There is another Card out against him and he is gone from hence. I must bring him of clear, but how to accomplish it is the difficulty in this instance, as indeed it is in all the unfortunate cases in which you and I are involved & others with or for us—I have this evening rec^d your notes N^o 1 to 6 of this day. I am pleased that you determine to see me on Sunday and hope nothing will happen to prevent it. William searched the Docket to discover the Notes on which Hunts suits were founded in which Higbee was bail, they were not to be found there, He then applied to Mr. Tilghman, he had not them, but said he would send to Hunt for them and write to William and there the matter now rests, probably Mr Hunt has sent them to Mary^l against poor Boone, in that case could we not get the action dismissed as no Cause of action appears on the Docket or elsewhere. I wish you would find out the Person that will advance Money to relieve Dunlap & Carleton upon an assignment of the Security they hold & a Bonus, for I dont know one that will lend a Doll^r. You say we must pay Martin & Key, but you forget that I have paid my part being I believe all they have received. I shall be glad to have a Copy of the list of Suits and defence that you mention in No. 2 to be making out for Mr. Gibson, as my defence in most of my Suits must be the same as yours. I observe by N^o 3 the course you are taking with Charles Young but I do not know what you mean by our joint letter as I have not rec^d any from you intended for him unless one Some time ago which was then sent. I agree

¶ In the possession of William Duane, Esq., of Philadelphia.

that the subject of the Trustees shall as you propose in N° 4 be referred to Sundays Conference. I am glad your Family is so near you & wish mine were near me for the intercourse begins to be difficult. I have rec^d Mr Bronsons Protests in N° 5, have signed them and enclosed the same to him at New York. poor G. C. is so far clear but I am trembling for him—

You ask a hard question in N° 6. how shall we stop the sale of our property, I dont know is the only answer I can give, I suppose it must go sooner or later for we can get no help and the Cormorants must have food. Good night.

Yours.

ROBT. MORRIS.

7.—Z. R. Shipherd, M. C., from New York, to Charles R. Webster, Esq., of Albany, N. Y.*

WASHINGTON, Decr 12th 1814

DEAR SIR

We spent Saturday from 10 in the morning until 7 in the evening upon Gile's Conscrip^t bill there has been much good speaking particularly Mr. Stockton of N. Jersey who was very able.

Mr. Miller from N. York moved on Friday to strike out the first section of the bill—and made a very long speech in support of his motion—Duvall of Kentucky opposed him—The order then was Shepherd & Webster for—Barnett & Johnson against—Saturday Stockton, Sheffy & Grosvenor for the motion and Forsythe & some nameless spouters spoke against the motion.

We are not yet thro with the Amendments of the Committee. The advocates of the bill expect that the passage of it will endanger the Union. They have no doubt but it will be resisted and I am decidedly of opinion from what has transpired that many of the majority desire anxiously to cut away the bond of Union.

Barnett [*M. C. from Georgia*] a very decided democrat told me the other day that the Union would be divided—and he should wish to have the event happen without bloodshed as it might be done by agreement he also observed that we at the North should be ruined by division as we could not live without the South.

I am yours most cordially

Z. R. SHIPHERD

CHARLES R. WEBSTER, Esq.

P. S. Patrick McGruder our Clerk has been found guilty of an atrocious defalcation of nearly \$20,000 a bare faced piece of fraud.

Admirals in the American Navy. A bill authorizing the Appointment of three Admirals has passed the Senate of the U. States.

* From the collection of C. H. Morse, Esq.

8.—Robert Morris to John Nicholson.*

N° 4 Decr 4. 1797

DR SIR

What do you think of a fresh alarm at 6 o Clock in the Evening of this Cold Night, an officer who calls himself Donaldson, Piloted by Crouch's Boy came here just now, the Dogs gave the alarm & I spoke to him out of the Window. He says he is employed by Dunwoody, so that Mr D—seems determined to have me if he can, I sent my Comp^s to him, saying, "have patience and I will pay thee all." It seems as if I should have hot Work this week, I am however more anxious about Jn^r Baker than any other, I wish he was clear of us & we of him—

R. MORRIS.

J^{no} NICHOLSON, Esq^r

X—FLOTSAM.

[These scraps have been picked up in various places and brought to this place, "as they are," without any voucher for their correctness, and with no other object than to secure for them the attention of our readers.

We invite discussion concerning each of them; and if any of them are incorrect or doubtful, we invite corrections.—EDITOR HISTORICAL MAGAZINE.]

CELEBRATION OF FOREFATHERS' DAY, A CENTURY AGO. *Extracts from the "Boston Post Boy" of January, 18, 1770.* We hear from Plymouth that the twenty-second of December, last was there observed by a number of gentlemen by the name of the Old Colony Club, in commemoration of the landing of their ancestors in that place.

On the morning of the said day, a cannon was discharged and an elegant silk banner hoisted at their hall with the following inscription:

"OLD COLONY. 1620."

At eleven of the clock A. M., the members of the Club met at the Hall and from thence proceeded to the house of Mr. Howland, which is erected upon the spot where the first licensed house in the Old Colony formerly stood; at half after two, a decent repast was served up consisting of a large baked whortle-berry pudding, sauguetash, codfish, clams, oysters, a haunch of venison, (roasted by the first Jack brought to the Colony) sea fowl, frost fish, and eels, dressed in the plainest manner, all appearance of luxury and extravagance being avoided, in imitation of their worthy ancestors.

At 4 o'clock P. M. the members of the Club, headed by the Stewards, carrying a folio volume of the Laws of the Old Colony, hand in hand,

* From the collection of William Duane, Esq., of Philadelphia.

walked in procession, to the hall. Upon the appearance of the members in front of the hall, a number of the descendants of the first settlers of the Old Colony drew up in regular file and discharged a volley of small arms, succeeded by three cheers, which were returned by the Club. After this, at the private grammar school, opposite the hall, a number of young gentlemen, to express their joy upon the occasion and their respects to the memory of their ancestors, in the most agreeable manner, joined in singing a song very suitable for the day. At sunset, a cannon was fired and the flag struck.

In the evening, the hall was illuminated and a number of the principal gentlemen of the town (being previously invited) joined the Club, and the President (being seated in a large and venerable chair, formerly possessed by William Bradford, the second worthy Governor of the Old Colony, and presented to the Club by Dr. Le-Barron of that town) delivered several toasts to the memory of Bradford, Standish and others, which were drank by the company.

After spending the evening in an agreeable manner, in recapitulating and conversing upon the many and various adventures of our forefathers in the first settlement of the country, and the growth and increase of the same at eleven o'clock in the evening a cannon was again fired, three cheers were given, and the company withdrew.

BOOTH AND LINCOLN—A NEW THEORY.

The *La Crosse Democrat* of July 20th, unfolds a theory of the Lincoln assassination which is worthy of more attention than it has received. Translated from the overstrained diction in which it is made, the revelation is this:

Beall, a special agent of the South—a spy—was arrested and sentenced to death.

John Wilkes Booth resolved to make a grand attempt to save the life of his friend, Beall.

At this time, Booth loved a daughter of John P. Hale, United States Senator from New Hampshire.

One night, in Washington, after Beall was doomed, John Wilkes Booth and John P. Hale called on G. W. McLean, of Cincinnati, who was then in Washington. They wanted McLean to go with them to find Colonel John W. Forney, and, with him in company, call upon Lincoln.

The narrative goes on to say:

"It was past midnight when the carriage containing Hale, Booth, and McLean left the hotel where the latter was stopping, and was driven to Forney's residence. Forney was in bed, under the influence of liquor.

"After some little talk and explanations, he arose, bathed his head in ice-water, made a

"hasty toilet, and took a seat in the carriage.

"The party were then driven to the White House, reaching there about two o'clock in the morning. They were admitted past the guards, and found President Lincoln in his room, not yet retired.

"Then came an explanation of the object of the visit.

"President Lincoln sat by the side of Senator Hale, and listened to the particulars. Booth then and there told that *once* he was in a scheme to abduct the President, not to injure him, but to aid in the release of certain friends, who could not be exchanged. He told that that was of the past, so far as he was concerned.

"And then he asked for the reprieve of Beall, promising, *on his honor as a man*, to ever after be as good a friend to Mr. Lincoln as a man could be to one who had rendered such a favor, —to warn the President if it came to his knowledge that his life was in danger, and to hold himself personally responsible for the good behavior of Beall, ever after.

"President Lincoln was greatly moved, even to tears, and gave to Booth *his word of honor as a man, that Beall should be pardoned.*"

Seward persuaded Lincoln to forfeit his promise. Beall was executed; and Booth swore to avenge him by killing the President with his own hand. He did so. He left Seward to the hands of others.

It was not to a political cause, but to a personal provocation that Lincoln fell a martyr—such is the theory. Hale, Forney, and McLean, witnesses to one of its incidents, live to corroborate that part of the narrative.—*Argus*.

SOUTHERN PRISONERS AT ELMIRA.

TO THE EDITOR OF "THE WORLD:" I beg herewith (after having carefully gone through the various documents in my possession pertaining to the matter) to forward you the following statistics and facts of the mortality of the rebel prisoners in the Northern prisons, more particularly at that of Elmira, New York, where I served as one of the medical officers for many months.

I found, on commencement of my duties at Elmira, about eleven thousand rebel prisoners fully one-third of whom were under medical treatment, for diseases principally owing to an improper diet, a want of clothing, necessary shelter, and bad surroundings. The diseases were consequently of the following nature: Scurvy, diarrhoea, pneumonia, and the various branches of typhoid, all superinduced by the causes, more or less, afore-mentioned.

The Winter of 1864-5 was an unusually severe

and rigid one, and the prisoners arriving from the Southern States, during the season, were mostly old men and lads, clothed in attire suitable only to the genial climate of the South. I need not state to you that this alone was ample cause for an unusual mortality amongst them. The surroundings were of the following nature, viz.: narrow, confined limits, but a few acres of ground in extent, and through which slowly flowed a turbid stream of water, carrying along with it all the excremental filth and debris of the camp; this stream of water, horrible to relate was the only source of supply, for an extended period, that the prisoners could possibly use, for the purpose of ablution and to slake their thirst, from day to day; the tents and other shelter allotted to the camp, at Elmira, were insufficient and crowded to the utmost extent; hence, small-pox and other skin diseases raged throughout the camp.

Here I may note that, owing to a General Order from the Government, to vaccinate the prisoners, my opportunities were ample to observe the effects of spurious and diseased matter; and there is no doubt in my mind but that syphilis were engrafted in many instances, and ugly and horrible ulcers and eruptions of a characteristic nature were, alas! too frequent and obvious to be mistaken. Small-pox cases were crowded in such a manner that it was a matter of impossibility for the Surgeon to treat his patient individually; they actually laid so adjacent that the simple movement of one of them would cause his neighbor to cry out in an agony of pain. The confluent and malignant type prevailed to such an extent that the body would frequently be found one continuous scab.

The diet and other allowances by Government for the use of the prisoners were ample, yet the poor unfortunate creatures were allowed to starve; but why, is a query which I will allow your readers to infer, and to draw conclusions therefrom. Out of the number of prisoners, as before mentioned, over three thousand of them now lay buried in the cemetery located near the camp for that purpose; a mortality equal, if not greater, than that of any prison in the South. At Andersonville, as I am well informed by brother officers who endured confinement there, as well as by the records at Washington, the mortality was twelve thousand out of, say, about forty thousand prisoners. Hence it is readily to be seen that the range of mortality was no less at Elmira than at Andersonville.

At Andersonville, there was actually nothing to feed or clothe the prisoners with; their own soldiers faring but little better than their prisoners; this, together with a torrid sun and an impossibility of exchange, was abundant cause for their mortality. With our prisoners at El-

mira, no such necessity should honestly have existed, as our Government has actually, as I have stated, most bountifully made provision for the wants of all detained, both of officers and men. Soldiers, who have been prisoners at Andersonville, and have done duty at Elmira, confirm this statement, and which is in no wise, in one particular, exaggerated; also, the same may be told of other prisons managed in a similarly terrible manner. I allude to Sandusky, Fort Delaware and others; I do not say that all prisoners at the North suffered and endured the terrors and the cupidity of venal sub-officials; on the contrary, at the camps in the harbor of New York and at Point Look-Out, and at other camps, where my official duties, from time to time, have called me, the prisoners, in all respects, have fared as our Government intended and designated they should. Throughout Texas where food and the necessaries of life were plentiful, I found our own soldiers faring well, and to a certain extent contented, as far, at least, as prisoners of war could reasonably expect to be.

Our Government allowed the prisoners of war the following rations (*Vide Regulations*, Page, 224, *Articles* 1, 190, 1, 191): 12 oz. of pork or bacon, or 1 lb. of salt or fresh beef; 1 lb. 6 oz. of soft bread or flour, or 1 lb. of corn meal; and to every one hundred rations 15 lbs. of beans or peas and 10 lbs. of rice or hominy, 10 lbs. of green coffee or 8 lbs. of roasted do., or 1 lb. 8 oz. of tea, 15 lbs. of sugar, 4 quarts of vinegar, 30 lbs. of potatoes, and, if fresh potatoes could not be obtained, canned vegetables were allowed.

Page 107, Article 746, *United States Army Regulations*—"Prisoners of war will receive for subsistence one ration each without regard to his rank, their private property will be duly respected, and each shall be treated with regard to his rank, and the wounded are to be treated with the same care as the wounded of our army." How faithfully these regulations were carried out, at Elmira, is shown by the following statement of facts: The sick in hospital were curtailed in every respect (fresh vegetables and other anti-scorbutics were dropped from the list) the food scant, crude, and unfit; medicines so badly dispensed that it was a farce for the medical man to prescribe. At large, in the camp, the prisoners fared still worse; a slice of bread and salt meat was given him for his breakfast; a poor, hatched-up, concocted cup of soup, so-called, and a slice of miserable bread was all he could obtain for his evening meal; and hundreds of sick who could in no wise obtain medical aid died, "unknelled, unconfined, and unknown."

I have in no wise drawn on imagination, and the facts as stated can be attested by the staff medical officers who have labored at the Elmira

prison for the rebel soldiers.

EX-MEDICAL OFFICER UNITED STATES ARMY.

THE CLOVE CHURCH.—About two miles North-west of Deckertown, Sussex Co., N. J., stands a plain, unostentatious Church. As to size it is but medium. It is unadorned as to a spire, and hence no bell to summon the hearers on the Sabbath morn. Perhaps some member of the Reformed church or Minister of the same, spending his vacation amid the hills of Sussex, would pass it by, and regard it as not of any interest to him, as it is now connected with the Presbyterians. A common country Church; no marked man ever was its Pastor, are his thoughts, and hence not worthy of a passing consideration by me, a (Dutch) Reformed. But not so when its first Pastor's name is mentioned—the Rev. Elias Van Benschoten. And here he lived and preached for about a quarter of a century. Therefore some unpublished items in reference to him and his Church, perhaps will be of interest to the readers of the *Intelligencer*.

Van Benschoten was called to the Churches of Minisink, Walpack, and Makerkemack, in 1785. These were all situated in the valley of the Delaware. But while he ministered to these Churches, he also seems to have crossed the mountains and preached in the valley of the Walkill. Probably some of his members now living here was the reason; but, as yet, there was no organized Church. One of his out-preaching posts was in the vicinity of the Clove-church. About eighteen months after the commencement of service in this neighborhood, application was made to the Classis of New-Brunswick for the formation of a Church; and their request was granted. The Reformed (Dutch) Church known by the name of the "Clove Church," was recognized under the Classis of New-Brunswick, on the sixteenth of April, 1788. It commenced with fifty members—twenty-five males and the same number of females. Its organization took place in the barn of Helmas Titsworth; and this building served them some time, as a Meeting-house. The Domine then resided West of the mountain; but, in a few years, removed his home to Mr. Titsworth. About this time, a church-edifice was completed, within a few rods of the barn where it was formed. That building served as a sanctuary for about forty years, when the present one was built, which is soon to be renovated. In a few years, the Domine withdrew his labors from the Delaware valley and served the charge and Church of Westtown, some ten miles North. This is also a Presbyterian church, at present. But the last few years of his ministry he devoted to the Clove-church, exclusively. Here, within two miles, about 1800, he purchased a farm

of some seven hundred acres; and on that he died.

The last two years of his life, he did not preach in this place; and after his death, the pulpit was supplied by the Classis of New-Brunswick, but the distance was so great and Ministers of our Church so few, that it was deemed best by the Congregation to unite with the Presbyterians. Hence, at a congregational meeting, on the twenty-fourth of November 1817, the Reformed (Dutch) Church of the "Clove" was dissolved by a vote of its members, and merged into the "First Presbyterian church of Wantage," organized, on the eleventh of August, 1818.

The labors of Van Benschoten, God smiled upon, with more than one glorious revival. During the three years of his successor, the Rev. Gershom Williams, sixty-four were received on confession, and four on certificate. After him came the Rev. Edward Allen, who labored for nine years, until 1830. During his ministry, three hundred and forty-two were added to the membership. Ill-health compelling Mr. Allen to resign, he was succeeded by the Rev. Peter Ranouse, who remained with them about four years. The fruits of his ministry were one hundred and sixty-three. Its Pastors, since that date, have been Rev. George Pierson, from 1835 to 1839; then the Rev. Anthony McReynolds, until 1843; when the Rev. Sylvester Cook, who resigned last April, on account of age, having passed his three-score and ten. Like his predecessors, the pastorate of Mr. Cook was abundantly blessed.

As yet, no successor has been chosen. Few Churches have been blessed with out-pourings of God's spirit more than the "Clove." The "old people" still cherish warm affection for the memory of their first "Pastor," and in pride assert that all of their Ministers have been men of ripe scholarship, like Domine Van Benschoten, save one.

And it will be difficult to find a section of country where the fame of a "country minister" is so inwrought in the minds of the people as that of the Rev. E. Van Benschoten, through the portions of the three States, where he preached, especially as a man of learning. The opinion among many of the Ministers of our denomination is, that he was not much of a student. The examination of his books proves that this is an error. On the pages of some, are to be found notes and corrections in the Latin, Greek, and often Rabbinical Hebrew. Enough to indicate that he was a "scholar rare." He was also systematic as a business man. This Church had a grant of land from the "Original Proprietors" of the County. This, in time, was sold; and it was deemed best to

place the fund in the charge of the Domine, every farthing of which is accounted for, in the "Church Record," each year. Neither was he as wealthy as is generally supposed. Until 1798 or '99, he was dependent mostly upon his salary; but, about this time, he received his father's estate, which was a lengthy period in course of settlement; and, at this time, he purchased his farm.

This was bought in several parcels. His account book shows him to have been a model farmer, in some respects at least, as every item of his business is carefully noted down. This farm was not given to his nephew (as has been stated), but sold to him at a moderate price, with easy payments, and is still held by the family. This farm must have constituted the larger part of his possessions. Most of his affairs were arranged by himself. As a good man should do, he set his house in order, so that after his departure there was but little to be done. His will, which was made but a short time previous to his death, is very brief, and refers only to two or three items, a matter of form rather than necessity.

Enough, however, has been written upon this topic already, and more, perhaps, than will be entertaining to the readers of the *Intelligencer*; but sufficient, it is hoped to show, that in the history of the "Clove Church" and its first Pastor, we, as a denomination, have a part.—*Christian Intelligencer*.

CONGRESSIONAL SOVEREIGNTY. LETTER FROM
GOUVERNEUR MORRIS TO TIMOTHY
PICKERING, IN CONGRESS.

MORRISANIA, Dec. 22, 1814.

MY DEAR SIR.—What can a history of the Constitution avail towards interpreting its provisions? This must be done by comparing the plain import of the words with the general tenor and object of the instrument. That instrument was written by the fingers which write this letter. Having rejected redundant and equivocal terms, I believed it to be as clear as our language would permit, excepting, nevertheless, a part of what relates to the judiciary. On that subject conflicting opinions have been maintained with so much professional astuteness that it became necessary to select phrases which, expressing my own opinions, would not alarm others, nor shock their self-love; and to the best of my recollection, this was the only part which passed without cavil.

But after all what does it signify that men should have a written Constitution, containing unequivocal provisions and limitations? The legislative lion will not be entangled in a logical

net. The Legislature will always make the power which it wishes to exercise, unless it be so organized as to contain within itself the sufficient check. Attempts to restrain it from outrage, by other means, will only render it more outrageous. The idea of binding legislators by oaths is puerile. *Having sworn to exercise the powers granted, according to their true intent and meaning, they will, when they feel a desire to go further, avoid the shame, if not the guilt and perjury, by swearing the true intent and meaning to be, according to their comprehension, that which suits their purpose.*

THE ABORIGINALS OF NEW ENGLAND.—PALFREY AND ARNOLD.—The poor Indian ever has been, and ever will be, a favorite theme with the poet, the philosopher and the historian. His history excites our strongest curiosity, his fate enlists our deepest sympathy, and his silence should command our highest candor. The little we know of the unhappy race is culled from the lips of their exterminator; indeed the relation of the two was not very unlike that of a cat or a weasel to a mouse, and it seems as if, with a kind of theological intensity, this antipathy, lingering, never dying, sometimes penetrates and distils its spirit even in the sober study.

Mr. Arnold, in his able *History of Rhode Island*, written with a truth-loving spirit worthy of Roger Williams, devotes some of his introductory pages to the characteristics, religion and life of the Indian, in the tone of an impartial and candid historian; by the side of this fresh volume lies Mr. Palfrey's new book, in which he also treats of the same topics. Each is presented to us as a well-considered and finished representation. Published at the same time and coming from independent sources, a comparison of them is naturally suggested, and the examination will be instructive and interesting.

The position from which Palfrey views the subject is easily indicated. He declines "entering into the question of an original diversity of the human race," but in the same breath declares that "few American animals, if indeed any one, can be referred to species known in the other hemisphere," and then positively avers that "the American Indians are a separate family of mankind," and quotes Morton! Indeed, it is beyond "question," in Mr. Palfrey's mind. Morton, Nott, Gliddon! The views of this school of philosophers may be found in a volume called *Types of Mankind*. Christian scholarship and philosophy have everywhere had but one voice on this matter.

With fitting confidence, the reverend author declares, in his Preface (xv) "with the belief

"which I entertain, I could not have been admitted to any Church established by the fathers, if, indeed, an attempt to propagate my belief would not have made me an exile from their Society." We believe it. Admirable basis for a *History of New England*! seeking place in her libraries, and readers among her sons and daughters! fit companion for the volume of Mosaic history!

The reader can already judge whether this be the work of a prejudiced or of a candid mind, whether it is a "history" or rather an essay on ethnology.

But we have only entered the vestibule, and now we will proceed—thus; "The native population of New England hold a low place in the scale of humanity the lymphatic temperament indicated the same preponderance in them of 'vegetative nature,' which marked other animals of the same continent;" and to this lucid remark Guyot is quoted, that "there is even in the tropical man of the Old World, in Africa, at least, a somewhat . . . which places him higher than the Indian of tropical America."

Now what has "*tropical America*" to do with New England? We wish the ingenious author had condescended to point out the peculiar ethnological relation of the "*tropical American*" savage to the New England Indian.

"If they were continent, it can *only* be to coldness of constitution this was due; *but* no instance is recorded of their offering insult to a female captive, or soliciting her familiarity; and the coyness of their women repelled approach on the part of European visitors. If there was noticed a remarkable exemption from physical deformities, this was probably not the effect of any peculiar congenital force or completeness, *but* of circumstances which forbade the prolongation of any imperfect life Their demeanor, so grave, when exposed to notice, was *apt* to be taken for an indication of self-respect, *but* was equally susceptible of being interpreted as betokening a mere stolid vacuity of emotion and thought He knew no drink but water, *except* when he could flavor it with the sweet juice for which, in Spring, he tapped the rock-maple tree.

"If he drew lines and figures on trees and rocks, they *might* be for use in guiding him through the labyrinth of the forest, and possibly, in rare instances, for chronicles and memorials; but were never *essays in fine arts*.

"With such vital defects of understanding, we do not expect to find that he had accomplished anything in the way of scientific observation or discovery," *but* he "had learned the medicinal virtues of a few simples; they

"bound up wounds in bark, with mollifying preparations of leaves; and they practiced a cure of fevers by opening the pores of the skin with a vapor bath," *but then* "the treatment of disease is a matter which forces itself upon attention."

These extracts faithfully exhibit the manly candor which "the poor Indian" finds at the author's hands. His very virtues are put in a questionable shape, "if" he had any. The essay presents the Indian in his worst light; omits not a little that is favorable to his intelligence or creditable to his nature; and tortures even his good into sources of detraction. Any writer who will reverse Mr. Palfrey's *method*, and, without any theory or mock philosophy, present the aggregate of favorable matter candidly, will produce a picture of equal truth, and in strong contrast with this *bad* chapter. If any reader is in a mood for a literary scalping entertainment, let him read these pages we have noticed; and if he does not rise from the exhibition with sorrow, if not contempt, then nothing can disturb him.

Occasionally, the early voyagers and chroniclers are quoted; but, usually, it seems only for the sport of knocking them over with a rap of the philosopher's wand, raising a sneer at their credulity, or to discover their lack of penetration; for instance—"though the Indian passed most of his life under the open sky, it was not ascertained that his observations extended to any groupings of the stars;" and the proof of this is from Rosia, who says, "they have names for many stars;" from Winslow, that "they know divers of the stars by name;" and Roger Williams, that "they much observe the stars, and their very children can give names to many stars;" that "they give to the constellation of Ursa Major their own name for the bear;" and that "they designate the morning star, and two others." Again, of numbers, the Indian "scarcelly knew more than he could tell off on his fingers; his frequently recurring rhetoric respecting the sands on the beach and the leaves of the forests, was the natural shift of his arithmetical unskilfulness;" and to prove this are quoted Wood, the intelligent observer, the apostle Eliot, and Roger Williams, who gave the Indian numbers to twenty, to a thousand, and to an hundred thousand. The same criticism might not spare the Abrahamic blessing "as the stars of the heaven, and as the sand which is upon the seashore.

"There has been a disposition to attribute to the red man the power of eloquent speech. Never was a reputation so cheaply earned. A few allusions to familiar appearances in nature and to habits of animals constitute nearly all his topics for oratorical illus-

"tration. Take away his common places of the "mountain and the thunder, the sunset and "the waterfall, the eagle . . . and the material "for his pomp of words is reduced within "contemptible dimensions." The genial critic should next turn his attention to the simple rhetoric of the Gospels.

We must remember that "whatever information the European settlers obtained concerning the theories of the natives, on the "subject of religion, reached them through the "treacherous instrumentalities of a language," &c.; but what other source of information has the author, or can he have, in virtue of which this high commission of censorship is established. Really, at first blush, one would suppose that a little reverence is due to the intelligence, the learning, the judgment, the discernment of such men as we have quoted. But some modern philosophy was not "dreamed "of" in those days of simple fact and faith, when Eliot and Williams had *their* eyes open.

We intended to have contrasted with this, Mr. Arnold's truly historical pages, but we must defer it, other than to say that his *object* is to be "reliable," and that a cursory examination shows that he is true to it; at least, on this subject he has not been warped by any preconceived ideas; not prejudging by wholesale and damning theories, but with a gentle yet impartial spirit and a severity and thoroughness of study, he presents the whole truth, the good and the bad, and his picture is sad enough; yet there is an occasional gleam of light and warmth over the hard and ruined features. LENTAS.

—*Evening Transcript*, [Boston] Feb. 17, 1859.

REMOVAL OF AN OLD ESTABLISHMENT.—Messrs. Brewer & Tileston have announced their removal from their old quarters, No. 131 Washington-street, to a new place of business, 17 Milk-street. The quarters they relinquish and those they are to occupy are equally full of interest in the past. The latter is well known as the birth-place of Franklin. The old building on the westerly side of Washington-street, next below the corner of School-street, wherein they have hitherto transacted business, and whence they have just removed, was first occupied for a book-store by John West, in 1792. The same at that time numbered 75 Cornhill. His rent was £18. per annum, which was doubtless satisfactory for the times, especially under the complaint then made that the situation was "too high "up in town"! Nevertheless, the premises, or that portion to be used for Mr. West's shop, were taken, and he there commenced business, continuing the same alone for fifteen or sixteen years. After this—about 1807—the firm be-

came successively John West & Company, West & Richardson (Eleazer T. F.), West, Richardson & Lord (Melvin), Richardson, Lord & Holbrook, (John C.) Subsequently, in the course of time, other changes and transfers of interest in the business and alterations in the firm occurred, until, finally, the establishment became vested in the present proprietors, Brewer & Tileston, who thus became the legitimate successors and representatives of the original establishment, which was begun seventy-eight years ago, under the same roof.

As evidence of the identity and continuity of this concern, though at times carried on under different managers and conduct, the fact may be stated that the now *Old Farmer's Almanac*, by Robert B. Thomas, for the year 1797, was published and issued by West from this identical building; and from this same spot, the same work has since been annually issued by his several successors, until and including the present year, 1870.

Likewise other long-standing copyright works have descended from one and another of the concern down to the present owners. The proprietors of this establishment have, at all times, been largely engaged in the publication of school-books, and have undoubtedly issued more works of this kind and in greater numbers than any other house in New England; the present parties being still extensively engaged in that department of trade, supplying more or less all parts of the country with some of the best school books, from the Primary Spelling-book to the great Quarto Dictionary of Dr. Worcester. M. L.

Boston, February 16th 1870.

REMINISCENCES OF THE BURR TRIAL AND ANDREW JACKSON.—The *Richmond Enquirer* publishes some interesting details of the Burr trial, in 1807, obtained from Mr. Thomas H. Drew, of Richmond, a gentleman now eighty-six years old, who was a Deputy United States Marshal at the time.

Mr. Drew traveled on horseback from Richmond to the Ohio-river, and through other parts of the State, in quest of competent jurors, who were hard to get. (John Randolph, of Roanoke, it will be remembered, was foreman of the jury.) The trial commenced on Monday, the ninth of August. We quote from the *Enquirer*:

"On Monday morning, when Court opened, "every man of the twelve answered to his "name; and Colonel Burr vied with his Counsel, "Messrs. Wickham, Benjamin Botts, Jack Barker, John Lee of Alexandria, and Luther Martin of Maryland, in efforts to get from these

"uncouth and unlettered veniremen, admissions which would disqualify them. The first man called was named Creele (there were three of this name summoned), and all manner of questions were asked him. In response to one, he said it was reported in his neighborhood that Colonel Burr was too intimate with Mrs. Blannerhassett. The Creeles went originally from Prince William-county, and were rejected, as were all the rest of the twelve, except Morrison, because they had either made up or expressed an opinion as to the guilt of the accused. Morrison was asked why it was that everybody else in his neighborhood had formed an opinion in regard to Colonel Burr's alleged treason except himself, to which he replied that one day he heard one thing and the next day the reverse, and not knowing which to believe he had formed no opinion. Finding he could not be gotten rid of by that process, Colonel Burr remarked, excitedly, 'then I resort to the peremptory challenge.' Morrison, with strong Irish tongue, as he left the stand remarked, '*My name is a terror to you.*' Morrison's Christian name was *Hamilton*.

"One morning, during the trial, Mr. Drew went to the post-office, then on Tenth-street, between Main and Cary, about where Ainslie's shops now stand, and the Postmaster informed him that, from an inscription made on the back of a letter, by the Postmaster at New York, he had learned that a vessel had arrived there from Havana, which met the New Orleans packet going into that port, with General Wilkinson and staff on board, who were *en route* for Richmond, to attend the Burr trial. Mr. Drew mentioned this, and it reached General Jackson's ears, who was then stopping at the old Washington-Tavern (now the Monumental). Old Hickory, it was said, thereupon remarked that Wilkinson would never come to Richmond while he was here—using a pretty strong figure, as was his habit, to give expression to his opinion. The General did come, however, two days afterwards, and astonished the city by the glitter and glare of his epaulettes and elaborately decorated uniform. He testified in the case, but General Jackson did not—why, Mr. Drew never heard.

"Colonel Burr having been arrested in Mississippi, then a Territory, was taken before its District Court. It, therefore, became necessary for the United States Attorney, George Poindexter, afterwards United States Senator, to come to Richmond as a witness. He rode all the way on horseback; and was not examined for two days after his arrival. He thus had time to note and consider the manner in which

"witnesses were used by the Counsel for the Defence. While on the stand, Mr. Wirt asked him what the Practice was, in Mississippi, to which he replied, 'We endeavor to follow the Common Law of England very closely.'

"Luther Martin thereupon sarcastically said, 'I reckon it is very common law you have in Mississippi.' The witness said nothing for a moment; and death-like stillness pervaded the court-room. Then turning to the Chief-justice, he said: 'I have noticed the treatment of witnesses in this case, and I waited when insulted, just now, for the Court to protect me, but it did not, and I now tell Counsel that I shall hold them personally responsible, out of Court, for every word of affront offered me here.' The Chief-justice, Mr. Drew says, remarked that he had observed, with pain, the course of the examination, and if gentlemen would persist in transcending the privileges of Counsel, they must take the consequences.

"The Jury brought in a verdict which was not in the usual form of Guilty or Not Guilty, but that, from the evidence before them, they could not find the prisoner guilty. Colonel Burr was indignant, and complained, with great feeling. A discussion of several hours followed; but the Chief-justice refused to interfere, and the verdict was recorded as first written."

[From the Mobile Register.]

We publish, in another place, an interesting account of some of the details of the famous trial of Aaron Burr, taken from the *Richmond Enquirer*. The part of it relating to Generals Wilkinson and Jackson recalls the memory of an incident related by the late Dr. William Crump, of Powhattan-county, Virginia, who was Minister to Chili under Mr. Tyler's administration. We give it from memory, where it has slumbered unwritten for long years:

Our informant—then a very young man—had been in Richmond in attendance on the Burr trial, or in expectation of it, but had occasion to visit his paternal home, in Powhattan-county, and was traveling thitherward, on horseback. He stopped at Hopkinsville to refresh himself and horses in the noon of a hot summer day. As he dismounted and entered the porch, he observed, walking up and down, in a state of much excitement, as it seemed, a man about forty years of age—tall, angular, sinewy, and swarthy. "I saw at once that he was not a gentleman," said the narrator of the incident—himself one of the most polished gentlemen of the Old Virginia school—"for he wore a black cravat; and, at that time, no gentleman wore a black cravat." His appearance, dress, and manner, in general, were unprepossessing to the young Virginian, and he was evidently in an ill humor.

The proprietor of the hotel made his appearance; and young Crump soon learned that the stranger was on his way to Richmond, but his horse had become so lame that he was unable to go any further. He had been trying to hire a horse from the proprietor; but the latter had only two, one of which was in the field, plowing, and the other had "gone to mill." It was for the return of this animal that the dark stranger was impatiently waiting, under a conditional promise from the landlord, whom, in the meantime, he was plying with other impracticable suggestions.

The landlord, who was well acquainted with Crump, asked him the news in Richmond, and especially the news from the Burr trial. As soon as he heard the question, the stranger turned to Crump, and, with a bluntness and imperiousness of manner that were not altogether agreeable, asked:

"You are just from Richmond, then, young man?"

"Yes."

"Is General Wilkinson there?"

"No—nor General Jackson."

"What do they say in Richmond about these two men?"

"Well," answered Crump, "the friends of General Jackson say that Wilkinson will not come at all; the friends of General Wilkinson say that Jackson is not coming."

There was a big oath—perhaps there were more than one—in the answer. Then turning to the landlord, the stranger added;

"I can't wait any longer. I must have that mare from your field, if I have to buy her. What is she worth?"

The landlord declined to sell, and still protested against having his only work-horse taken from the plow; but the stern stranger would listen to no excuse.

"Here are forty dollars," said he, "which will pay you for the hire of the mare and the loss of time. If you demand more, say so. My gelding, that I leave with you, is worth two hundred dollars, and will be sufficient security for the return of the mare. My name is Andrew Jackson, of Tennessee. Have the mare saddled at once."

The landlord made a last vain effort for time enough to have his mare fed. Jackson was already by this time fairly mounted on his high horse, and would brook no delay. In a very few minutes, he was in the saddle; and the last that young Crump saw of him was, as he passed, at full trot, the brow of the long acclivity in the road just East of Hopkinsville.

THE FIRST BANK OF AMERICA.—In looking

over the old Annals, we find that the common idea that the first Bank was established in Philadelphia, is a total mistake. A bank was established, seventy years before the period which is assigned as that of the first bank in Pennsylvania. In 1712, the Legislature of South Carolina established a Public Bank, and issued forty-eight thousand pounds, in bills of trust. These bills were called Bonds Bills; and the establishment was called a Public Bank. These were lent out at interest, or loaned on personal security.—*N. Y. Chronicle.*

OLD COINS AND MEDALS.—At a large sale of old coins and medals in this city Wednesday the following were some of the prices realized: Cent, 1793, \$3 15; pattern pieces, half dollar, 1838, extremely rare, \$7 37, and another at a little less price; cents, 1850 \$1 75 a \$1 95; half cent, nickel, 1855, \$1 67. Pine tree two-pence, 1652, \$3 75; do. three-pence, \$3 25; Pine tree shilling, 1652: \$1 20 a \$4 37. Colonial coins—Kentucky cent, \$3; New York cent, \$1 50 each; U. S. bar cents, \$1 50; Rosa Americana half-penny, a \$1 15, Virginia 1773, \$1 75; Auctore Plebis, \$1 95; Connecticut cents, 10 a 77½; Vermont cents, 10 a 75; Massachusetts, 25 a \$1 30; New Jersey, 10 a \$1 30 Medals—Lincoln, \$2 20; Eccleston, \$4 25; Success to the United States, four, at \$1 15 each. Liverpool half-penny, \$1 05; Washington Grate cent. \$1 35.—*Boston Journal, Nov. 19, 1869.*

XI.—BOOKS.

1.—RECENT PUBLICATIONS.

[Publishers and others sending Books or Pamphlets for the Editor of THE HISTORICAL MAGAZINE, are respectfully requested to forward the same, either direct to "HENRY B. DAWSON, MORRISANIA, N. Y.," or to MESSRS. CHARLES SCRIBNER & Co., Booksellers, 654 Broadway, New York City, as shall be most convenient for them.]

A.—OFFICIAL PUBLICATIONS.

1.—*University of the State of New York. Eighty-third Annual Report of the Regents of the University, Made to the Legislature, March 2, 1870. Albany: The Argus Company. 1870. Octavo. pp. xxxviii, 732.*

This large volume contains the record, for 1869, of New York's State-institutions for imparting a genteel education, very much at the general expense, to the few who can spare the time to enjoy that luxury. It is, too, the record of that dogged devotion, on the part of the gentility and of those who aspire to be genteel, to the by-gone and useless literature and ideas which, they suppose, were Grecian and Roman, or old-time English and French; and

the equally dogged contempt of every thing which is likely to be practically useful, in the every-day life and occupation of a republican, in America. It is the record of mis-spent labor and monies, by undue division, on imperfectly educated young men and young women, whose education could be made more thorough and more useful, to themselves and to the State, if there were fewer "Colleges," and better, instead of the struggling institutions, at every cross-road, whose respectability, as educators, is hardly equal to that of a respectable high-school.

As a specimen of what we condemn, there is scarcely any allusion to our own country, its literature, its institutions, its polity, or its history, in any of the Reports; while Columbia-college contents herself, in any history, with presenting Willson's *Outlines of Universal History and Livy* as her only text-books, and teaching "the Preface and first Book" of the latter, and "as far as the invasion of Greece by the Persians," to her Freshmen, and "from the foundation of Rome to the Battle of Actium" to her Sophomores—nothing this side of the Battle of Actium, except the handling of five or six millions of property invested in this enterprise, seeming to be worthy of the attention of the fossils who control the destinies and the properties of that institution.

Nor is Columbia-college an exceptional case. There is evidently a growing propensity, in our more refined classes, especially among educators, to consider as "vulgar" whatever is American, and to pass, as of little importance, whatever is not of Greece or Rome, France or England. The consequence is a gradual, but certain, undermining of our old-fashioned republican simplicity of habits and of our old-fashioned republican policy, and as certain and steady an approach to imperialism. We may not live to see it—we hope we shall not—but that people has been more than one-half conquered whose tastes have been corrupted and whose inclinations have been turned toward the enemy of the country.

Mr. Pratt, the excellent Assistant Secretary of the Regents, has continued his *Annals of Public Education in the State of New York*, commenced in a former volume of the Regents' Reports; but as it has been presented in another form, we shall defer our notice of it until we shall refer to it as a "Privately printed work."

2.—*The Legislative Manual of the State of Wisconsin*, comprising Jefferson's *Manual*, Rules, Forms, and Laws for the regulation of business; also, Lists and Tables for reference. Compiled by the Secretary of State, in the year 1870. Ninth Annual Edition. Madison, Wis.: Atwood & Rublee, State Printers. 1870. Octavo, pp. 392.

One half of the volume is occupied with the Federal and State Constitutions and the Parliamentary Manual and Rules of Order of the two

Houses of the State Legislature; and these are followed by *Annals of the Legislature*, or complete lists of members of each House, from the First Session, in 1836, until the last, in 1869, and tables exhibiting the dates of the meeting and adjournment of each Session; its length, in days; and the number of Representatives. Similar lists of Territorial and State Officers follow these *Annals*; and a great body of Miscellaneous and Election Statistics, relating to Wisconsin; lists of Officers of existing Federal and State Governments—including the Legislature for 1870—and a good Index close the volume.

The value of such a volume, for reference, to all who have anything to do either with or about Wisconsin will be evident to every one.

The volume is a very neat one.

3.—*Governor's Message and accompanying Documents of the State of Wisconsin. For the Year 1869*. Madison, Wis.: Atwood & Culver, State Printers. 1870. Octavo, pp. (Message) 24, (I.) 29, 200, (II.) 40, (III.) 20, (IV.) 20, (V.) 58, (VI.) 24, (VII.) 52, (VIII.) 48, (IX.) 31, (X.) 196, 138, (XI.) 83, (XII.) 83, (XIII.) Adjutant and Quarter-master-general's Reports) 122.

In this portly volume we have a complete exhibit of the internal condition of Wisconsin, by her Governor, for the year 1869. It is a volume of great value to all who are interested in the progress to greatness of that thriving young State.

4.—*Water Communication between the Mississippi and the Lakes*. Memorial to the Congress of the United States, and Supplement, on the improvement of the navigation of the Wisconsin and Fox-rivers submitted by the Canal Conventions held at Prairie-du-Chien, in the State of Wisconsin, Nov. 10, 1868, and at Portage City, Oct. 20, 1869, and the Proceedings of the Conventions. Prepared for publication, under the direction of Lucius Fairchild, Governor of the State of Wisconsin. Madison, Wis.: 1870. Octavo, pp. 88.

The opening of a communication between the Mississippi and the Lakes is a subject which very nearly affects the best interests of the entire West and South-west; and there is no reason for surprise that there is so much anxiety on the subject. Convention after Convention has been held to urge the work upon Congress; and the volume before us is the Memorial of one of the Conventions referred to. It is illustrated with Maps and supplemented with elaborate Appendices; and, altogether, it is a very important local.

We have looked at the prayer and find that Congress is asked to only improve the navigation of an already navigable river, a distance of one hundred and eighteen miles, at an estimated cost of half a million dollars; and we have asked ourselves if all this fuss is made for so small an affair—four Governors, in as many States, uniting in a call for one of the Conventions—how small the subject must be, to ensure its execution with-

out the assistance of the *Federal* authorities? Verily, the old fable of the wagoner and Jupiter may be usefully read by these infantile communities, who run to Washington with every petty want.

5.—*The Roll of Honor. (No. XXV.)* Names of Soldiers who died in the defense of the Union, interred in the National Cemeteries at Fredericksburg, Va.; Mobile, Ala.; and Fort Gibson, Indian Territory; and names not heretofore published of Union Soldiers interred in the National Cemeteries at Hampton, Va.; Barrancas, Fl.; and Alexandria, La. Washington: Government Printing Office. 1870. Octavo, pp. 336.

The record of the last resting-place of twenty-five thousand, seven hundred, and sixty-six soldiers is made in this volume, the twenty-fifth of the series; and the arrangement of the record and the neatness of the printing render it a volume of great interest.

6.—*Statistics exhibiting the History, Climate, and Productions of the State of Wisconsin*, prepared for the State Board of Immigration. Published by Order of the Legislature. Madison, Wis.: Octavo, pp. 76.

Ystadegau o Adnoddau, Cynrychiion, a Phoblogaeth Talaeth Wisconsin. Madison, Wis.: s. a. Octavo, pp. 32.

Wisconsin. Ein Bericht über Bevölkerung, Boden, Klima, Handel, und die industriellen Verhältnisse dieses Staates im Nordwesten der nordamerikanischen Union, Mit zwei Tabellen über Münzen, Maasse und Gewichte Deutschlands und Amerikas sowie einer Karte. Veröffentlicht von der Staats-Einwanderungs-Commission. Dritte Auflage. Milwaukee: s. a. Octavo, pp. 60.

Beskrivelse over Staten Wisconsin. Dens Klimat, Jordbund, Ugedyrkning samt Natur-og Kunst produkter. Udgivet efter Legislaturens Ordre af Statens Immigrations-Department. La Crosse, Wis.: 1870. Duodecimo, pp. 40.

Wisconsin. Een verslag der bevolking, des bodems, en klimats en van Handel en Nyverheid, van dezen Staat in het Noordwesten der Noord-Amerikaansche unie, met bygaande kaart uitgegeven door de Staats-Commissarissen der Landverhuizing. Gedrukt te Milwaukee op de Stoompers der *Herald*. Octavo, pp.

Statistiques sur l'Etat du Wisconsin. Histoire-Climat-Productions. Publiés par ordre de la Legislature. New York: 1868. Octavo, pp. 26.

This curious series of pamphlets, in English, Welsh, German, Norwegian, Low Dutch, and French, has been prepared for circulation, in Europe and elsewhere, in order to attract to Wisconsin, a portion of the mighty stream of population which is constantly flowing into our sea-ports, and thence westward.

The day is not far distant when these early sketches of the natural advantages which that State offers to settlers will be sought for, by those who will need them; and those who collect such "locals" should "make hay while the sun shines," by securing copies while they may be had.

7.—*Transactions of the Wisconsin State Agricultural Society*, with the Report of the State Horticultural Society and tabular abstracts of the Reports of County Agricultural

Societies. Vol. VIII. 1869. Prepared by J. W. Hoyt, Secretary. Madison, Wis.: 1870. Octavo, pp. 530.

The Reports of the Wisconsin Society have generally, we believe, contained more or less material for others besides farmers; and some of the most important portions of Wisconsin's historical and topographical literature, we are told, are to be found in the volumes of that Society's Reports. We were not unprepared, therefore, to find something of the same character in this volume; and the record of Wisconsin's mining, manufacturing, and commercial history, during 1869, extending over nearly sixty octavo pages, which we found there, is not unworthy of the Society's high reputation. Of course, the agricultural interests of the State are also duly noticed, in all their varied features; and the neatness of the volume will increase the pleasure which it will afford to every studious reader who shall resort to its pages.

8.—*Annual Reports of the Adjutant General and Quartermaster General of the State of Wisconsin, for the Fiscal Year ending Sept. 30th 1870.* Madison, Wis.: Atwood & Culver, State Printers. 1870. Octavo, pp. 84.

Besides an exceedingly brief presentation of the apathy which prevails, towards the military department, and as brief, but quite as urgent, an appeal for support from the tax-payers, there is nothing in these Reports which are worthy of notice—the re-production, from the Federal War Department's *Roll of Honor*, of the record of the burial-places of Wisconsin's dead is useful only to those who have not access to the latter.

9.—*Iowa: the house for Emigrants*, being a treatise on the Resources of Iowa, and giving useful information with regard to the State, for the benefit of immigrants and others. Published by order of the Iowa Board of Immigration. Des Moines: Mills & Co. 1870. Octavo, pp. 96.

This very handsome tract appears to be the first issue, by Iowa, for the information of those who are seeking homes in the West; and we notice in it a radical difference, in the character of its information and in the mode of imparting it, from those of the pamphlets, elsewhere noticed, in this number, issued for the same purpose, by the State of Wisconsin. It may be, that Iowa intends to appeal, through this volume, to our countrymen, those of New England who are abandoning their ancestral acres and crowding into the West; and, in that case, she could not have presened, in a more appropriate form or dress, the information she has to offer. But, for the use of those in foreign lands, who know nothing of the United States and are not very easily taught, it is hardly as well adapted, as it should be—it is too learned, if we may use the term. It presumes, too much, that the readers of this pamphlet, in the cottages and workshops of Europe, desire to know something of Iowa which

only very different classes will desire; and it is better adapted, therefore, to inform the already intelligent, cultivated reader, than to instruct the positively ignorant, from their ABC, concerning the West, in general, and Iowa, in particular.

As a hand book of Iowa, for permanent reference, it is admirable; and its neat dress adds to its attractions.

10.—*Eighteenth Report of the Superintendent of Public Instruction for the State of Indiana*. Being the fifth biennial Report, and for the years ending August 31, 1869, and August 31, 1870. To the General Assembly. Indianapolis: Alexander H. Conner, State Printer. 1870. Octavo, pp. 172, 180.

We are indebted to Governor Baker for this Report, in detail, of the Educational Department of the State Government, during the past two years; and we have carefully examined it.

We have not the room to spare for that purpose, or we should notice, at length, some of the absurdities of the author of this Report, in his zeal to fasten his State-school system in all its ugliness, on the inhabitants of Indiana. We wish we could find room for some of his recommendations and his reasons for presenting them; but we cannot. We content ourselves, therefore, by saying that the pedagogical Superintendent of Public Education, in Indiana, has not yet learned what it is to be a plain republican nor what the duties of a Republic are, to its members. He would make an admirable despot, in politics, or an admirable bigot, in religion; and his place is not in Indiana, but in Hungary or Poland, where the sovereign administrators not only the Civil but the Ecclesiastical Law, and demands the allegiance of not only the bodies but the souls of his subjects.

11.—*Twenty-second Annual Report of the Inspectors and Superintendent of the Albany Penitentiary, with the accompanying Documents, made December 18, 1870*. Albany: J. Munsell. 1870.

This Report comes from a model prison, at the head of which is the well-known General Pillsbury; and we may expect to find in it much that is important. Let us open it, and read.

FIRST: The profits of the establishment, during the year ending October 31, 1870, amounted to \$18,132.92—nearly one-third of the gross receipts of the establishment. This seems to be a profitable business: may not there be more establishments of this kind?

SECOND: Of the one thousand and ninety-three prisoners admitted, only fifty-three were Germans and three hundred and fifty-two Irish, while five hundred and sixty-eight were Americans. How does this tally with the outcry about the "ignorant foreigners" crowding our prisons, as criminals?

THIRD: Of the one thousand and ninety-three,

only two hundred "claimed to be temperate," while eight hundred and ninety-three "admitted they were intemperate." This speaks poorly for rum and rum-mills, to say nothing of side-boards and private bottles.

FOURTH: Of the one thousand and ninety-three, only three hundred and forty-three "could neither read or write," while one hundred and eighty-two could read, and five hundred and sixty-three could both read and write. How does this agree with the pretence that *education prevents crime*? What will those say to this exhibit, who tell us that State-schools are conservators of the common weal, and necessary, since they say, virtue and intelligence go hand-in-hand?

12.—*Geological Survey of Ohio*. Part I. Report of Progress in 1869, by J. S. Newberry, Chief Geologist. Part II. Report of Progress in the Second District. By E. B. Andrews, Asst. Geologist. Part III. Report on Geology of Montgomery County, by Edward Orton, Asst. Geologist. Columbus: Columbus Printing Co., State Printers. 1870. Octavo, pp. 164.

Very few of the States have done so little for Science and the Arts, by neglecting to make proper surveys of their territories, as Ohio; and yet how necessary has it been, for the best interests of her citizens, that a different policy should be pursued.

After a couple of years service, in the field, at an expense of twenty-four thousand dollars, the financial crash of 1837 so alarmed the Legislature that the surveyors were dismissed; and not until 1869 was any authority given for a renewal of the work. The operations of the new Survey, authorized by the Act of March, 1869, commenced on the first of June of that year; and the first duty of the Corps, "the accurate determination of the geological structure of Ohio," seems to have been as carefully discharged as the facilities of modern Science will allow.

The volume before us, very neatly printed and carefully illustrated, records the results of the Summer's work; and we shall avail ourselves of its teachings, before long, in a more careful examination of the history and results of all the Surveys of Ohio than we can now afford to give them. Until that shall be done, we dismiss the subject.

13.—*Health and Education*. A Report on Health in the Schools, made by a Special Committee appointed for that purpose, by the School Committee of Providence. Providence: 1870. Octavo, pp. 80.

This is one of the most sensible works of the kind that we have seen; and its teachings should be laid before every parent and every teacher in the country.

B.—TRADE PUBLICATIONS.

14.—*Fitchburg in the War of the Rebellion.* By Henry A. Willis. Fitchburg: Stephen Shepley. 1866. Octavo, pp. 282.

It is well that some towns, as such, are not unmindful of their honor; and that the records of what they are and what they have been are perfected and sent down the stream of time, for the instruction of those who shall come after.

The volume before us is one of those records. It tells of what Fitchburg did, when the War of Secession reared its terrible front and what her burghers endured while that scourge was laid on our country.

It opens with the reception of the news from Sumter, in April, 1861—not in 1860, as the printer has made the author mis-state it—and it presents, one by one, the histories of the nine full Companies which were sent out from that town and glances, one after another, at that of the several Regiments of which those Companies were parts. Then follow narratives of the various Calls for troops and of the several Drafts; of the organized relief which was afforded to Soldiers and Soldiers' families; of the lives and services of those who died in the service; of the public obsequies of those who were buried in Fitchburg; of those who were imprisoned in the military prisons of the Confederacy; of the Receptions of returning Regiments; etc.; and a careful Roster of both Officers and men closes the volume—there is no Index to the work.

The plan adopted by the author is as full and as well-chosen as it conveniently could be; and, generally, the narratives are well-written and well-sustained by official documents. We congratulate Fitchburg that her history, during the recent struggle, has fallen into the hands of so judicious a scribe; and that her record has been so carefully and yet so modestly written. We would that the records of other Towns might be similarly written, and with as little extravagance of statement and as much earnest simplicity.

The volume is very fairly printed, if we except such carelessness as that already noticed; and it must be a very welcome testimonial to all who are residents of Fitchburg or interested in its good name.

15.—*The Bench and Bar of New York.* Containing biographical sketches of eminent Judges and Lawyers of the New York Bar. incidents of the important trials in which they were engaged, and anecdotes connected with their professional, political, and judicial career. By L. B. Proctor. New York: Dimes & Co. 1870. Octavo, pp. viii., 779.

This volume is not at all extended in its range of subjects, as representatives of the New York Bar; nor can we admit that its author has displayed much skill in making his selection. We miss, for instance, the sketches of such

leading minds as William Smith, William Livingston, John Morin Scott, James De Lancey, Colonel Burr, General Hamilton, Colonel Troup, Elisha Williams, Daniel D. Tompkins, Thomas J. Oakley, John Duer, Edward Livingston, James Kent, Martin Van Buren; although we have those of Benjamin F. Butler, Ogden Hoffman, Nicholas Hill, George P. Barker, James T. Brady, and other distinguished members of the more modern Bar, with casual reference to other gentlemen, both of an earlier and later period.

The sketches which are presented, as far as we have examined them, are very well written; and will serve an excellent purpose for merely general reading. They are, however, only sketches; presenting no close analysis of character and offering no criticism, beyond the ordinary common place expressions, of either the cases, the arguments, or the decisions which are referred to. They abound in anecdotes; portray the Courts and the contemporary Bar before whom the several subjects moved; and refer to the leading cases in which the subjects participated, as Counsel or Judges.

The volume is a very neat one.

16.—*The Rob Roy on the Jordan, Nile, Red Sea, and Gennesareth, etc.* A Canoe cruise in Palestine and Egypt, and the waters of Damascus. By J. Macgregor, M. A. With maps and illustrations. New York: Harper & Bros. 1870. Octavo, pp. 464.

The writer of this handsome volume made the remarkable canoe-voyage, through Egypt, Palestine, etc., of which the newspapers have told us so much; and within its pages are recorded the various adventures to which he was subjected.

It is a most interesting volume, relative to regions which are peculiarly attractive because of their antiquity and their connection with the men of old, who figure in the narratives of the Scriptures.

It is handsomely illustrated; and will be eagerly read by those who seek further information concerning the countries to which we have referred.

17.—*The Andes and the Amazon; or, across the Continent of South America.* By James Orton, M. A. With a Map of Equatorial America and numerous Illustrations. New York: Harper & Bros. 1870. Octavo, pp. 356.

In July, 1867, a party of gentlemen engaged in a scientific expedition to the equatorial Andes and the Amazon-river, under the auspices of the Smithsonian Institution. It was composed of Professors Orton, of Vassar College, Staunton, of Ingham University, F. S. Williams, of Albany, and Myers and Bushnell of Williams College; and, after crossing the Isth-

mus of Panama and touching at Paita, in Peru, the route pursued was from Guayaquil to Quito, over the Eastern Cordillera; thence over the Western Cordillera, and through the forest, on foot, to Napo; down the Rio Napo, by canoe, to Pebas, on the Marañon; and thence, by steamboat, to Para.

The narrative of this expedition, with some of the results, is in the handsome volume which is before us; and the story is certainly one of the most interesting, both for those who are inclined to be scientific in their tastes and for the general reader. We have room for only one or two features, which particularly attracted our attention.

The learned author, by his dedication to Charles Darwin, would seem to be a disciple of that philosopher; yet, while discussing the mixed races which inhabit Quito, he frankly confronts his master, and insists that, notwithstanding the mixed offspring of whites and Indians, which principally constitute the inhabitants of that city, it "is wonderfully free from 'ugly features.'"

Our ethnological readers will be pleased to learn that there is, in the Appendix of this volume, vocabularies from the Quichna, Zaparo, Yagua, and Campas languages; and the very full Index will gratify every reader.

The illustrations which embellish the volume are very good; and the typography is excellent.

18.—*Memorials of Methodism in New Jersey*, from the foundation of the first Society in the State, in 1770, to the completion of the first twenty years of its history. Containing sketches of the Ministerial Laborers, Distinguished Laymen, and prominent Societies of that period. By Rev. John Atkinson. Second Edition. Philadelphia: Perkinpine & Higgins, 1860. Octavo. pp. 435. Price \$1.75.

We call the attention of our readers, in this place, to what, to us, has been hitherto an unknown "local," of great value. The burden of its contents is clearly indicated on its title-page; but there are incidental allusions in it, to other matters besides Methodism which entitle the work to the respectful attention of all who shall desire to look into the details of that portion of New Jersey's history.

We are sure that many of our readers will thank us for thus calling their attention to what is really a useful book for the general reader as well as for the mere collector of "locals."

19.—*History of Raynham, Mass.*, from its first settlement to the present time. By Rev. Enoch Sanford, A. M. Providence: Hammond, Angell, & Co. 1870. Octavo, pp. 51.

In 1793, the Pastor of the Town Church, the Rev. Doctor Fobes, published a history of this ancient Town; and, in this very handsome tract, we have another History, in which the

Town's annals are brought down from its first settlement to the present time.

There is not much to be said of the Town nor its inhabitants that will either startle the reader or excite his curiosity; but the quiet, industrious community—mixed in its pursuits, being both agricultural and manufacturing—has kept on its steady course of prosperity, slowly increasing in numbers and wealth while others have retrograded, and steadily maintaining its high character for the general good habits of its members and for their general thriftiness.

In this tract, the simple annals of this country Town are briefly but clearly exhibited; and, as the reader proceeds from one subject to another, each recorded with commendable particularity and yet with judicious brevity, he will feel that the Town has been fortunate in having secured so industrious and yet so discreet an annalist. Nothing seems to have been passed without notice; and we are sure that, both within and without Raynham, the work will be found a useful one.

It is very neatly printed by Knowles, Angell & Co., of Providence.

20.—*A List of Sees and Bishops in the Holy Eastern Church*. Philadelphia: McCalla & Stavely, Printers. 1870. Octavo pp. 10.

This tract contains a list of the Patriarchs, Metropolitans, Archbishops, and many of the Bishops of the Greek Church, in Russia, Greece, Palestine, etc., with the dates of their ordination, where they had previously served, etc.

It is interesting to those whose tastes lead them to the study of modern ecclesiastical history; while its beauty, as a specimen of typography will secure for it the admiration of every one.

21.—*The Whisky War in Adrian; or, The Trials and Triumphs of Prohibition in Lenawee-county, Mich.* A Discourse delivered at the M. E. Church in Adrian, Michigan, July 17, 1870, by Rev. J. S. Smart. Detroit, Mich.: J. M. Arnold & Co. Sine anno. Octavo, pp. 33.

Adrian seems to have been the theater of a most vigorous contest, during the past two years, between those who favored Prohibition and those who favored the traffic in Liquor, either with or without license; and the contest seems to have been conducted with a degree of vigor and resolute determination, on either hand, which seriously threatened, at one time, the peace and business prosperity of the city, and ended only with the present triumph of the Temperance-men.

In the pamphlet before us, we find a narrative of this unusual contest; and, besides the interest which it possesses to every teetotaler, it is

interesting to all collectors as a Michigan "local."

22.—*Martin Van Buren's Calumnies Refuted.* Hamilton's conduct as Secretary of the Treasury vindicated. [By] James A. Hamilton. New York: Scribner & Co. 1870. Octavo, pp. 54.

Some year or so ago, the son of Mr. Van Buren published a manuscript *Inquiry*, which his father had left among his manuscripts, concerning the *Origin and Course of Political Parties in the United States*, which we noticed, briefly, soon after it appeared. It was, at most, if we remember aright, only a fragment of an unfinished work; was necessarily incomplete; and had not received the final touches of its distinguished author.

It seems that three sentences in this volume reflected, very briefly but very emphatically, on the official character and conduct of General Hamilton, while Secretary of the Treasury, charging him, *First*: with having "been faithful" less to one of the most sacred trusts that can "be placed in man;" *Second*: with having done "more than any one, he had almost said than" all his contemporaries, to counteract the will "of the people and to subvert, by undermining, "the Constitution of their choice;" and, *Third*: that his "course was an outrage upon liberty" and a crime against free government." Against these passing allusions to his father, our venerable friend, Colonel James A. Hamilton, has been pleased to issue this formidable *Vindication*; and we have pleasure in acknowledging the receipt of a copy of it, from him.

This *Vindication* opens, after a brief recital of the case, with an examination of the expressed opinions, concerning "Hamilton's measures," of Mr. Jefferson, in which the latter bears testimony to the popularity of the measures of the new Administration, in 1790 and 1791—among which the particular measures which were designated as "Hamilton's" were very prominent. He then turns, successively, to these several measures,—Protective Tariff, the Funding System, the Assumption of State Debts—and introduces the testimony, concerning each of them, of Messrs. Jefferson, Madison, Monroe, John Q. Adams, Jackson, Van Buren, Gallatin, etc., all of which tends to approve, in certain cases, the principles involved in each of the measures which are called "Hamilton's."

Colonel Hamilton also defends his father, in the same manner, from Mr. Van Buren's charges that "Hamilton's funding system was" drawn from that of Great Britain;" that "there" was no warrant in the Constitution for the "establishment of a National Bank;" that the Sedition Law "was passed upon Hamilton's" suggestion;" that he "moused over the words

"of the Constitution for equivocal expressions;" that the measures of the Federal Party and its successors, as a whole, were "a contrivance" "invented for the purpose of corruption, and" "for assimilating us in all respects to the rotten" "as well as the sound parts of the British Constitution;" that General Hamilton had a design "to change this Government and give" "it a monarchical form;" etc. He strangely speaks of the Confiscation Acts as a "violation" "of the provisions of the Treaty of Peace;" of the three co-ordinate Departments, at Washington, as a "Government;" of the submission of the proposed Constitution "by the Congress to" "Conventions to be held in the several States," "the members thereof to be elected by the people;" that "Jefferson was opposed to adoption, unless the proposed Constitution was" "amended;" that "the next parties were essentially personal;" etc. He then seems to consider that *The Fœderalist* needs certificates in order to sustain its respectability; and accordingly produces some, from authorities of very little weight; and a few facts, concerning the preparation of that work follow—it would have better pleased us had he presented more of the information concerning that celebrated work which is undoubtedly in his possession.

He glances at the history of the Administration of Washington; considers the division of parties, with Jefferson and Hamilton at their respective heads, as "essentially personal, resulting from" "the ambitious aspirations of Jefferson;" descends so far as to cite what various anti-Democratic writers have said of the latter; and draws the conclusion, by inference, that Mr. Van Buren was inspired, while writing the sentences which form the basis of the *Vindication*, by no other than his "illustrious predecessor," Thomas Jefferson.

We regret that Colonel Hamilton has employed his pen in the preparation of such a *Vindication*. We regret that he has not remembered that while it is his duty to favor General Hamilton's official action and to defend it against all comers, no such obligation rested on Mr. Van Buren; and that the latter was just as much entitled to maintain his views, concerning some portions of General Hamilton's official conduct, as the Colonel himself is. We regret it, too, because there are two sides to all these several subjects; and, very often, the side which is in the shade, out of sight, is quite as respectable as that on which the sun shines. How much better it would have been, therefore, we respectfully submit, to have let General Hamilton's reputation rest where it was, than to demand a general homage to it, the world over, with penalties on those who do not see fit thus to honor it; and thus to challenge the world to make inquiries

where it would not otherwise have done so, and to expose defects in his character and indiscretion in his action to which the great body of mankind was previously a stranger.

Colonel Hamilton has been pleased, however, to differ from us; and as he has opened the door, he must not expect that those who differ from him will not enter his castle and join issue with him, under his own roof, concerning his own household.

It matters little, in the abstract, what General Hamilton's opponents said of some of his individual measures; since those measures are not the particular subjects which are under examination. The expediency and constitutionality of the Protective Policy, of the Funding System, and of the Bank had little to do with Hamilton's general fidelity to his trusts, as a public officer; with his fidelity, as a citizen, to the *Constitution for the United States*, as it was established "between the States," by the several States, themselves; or with his respect for the cause of "liberty" and "free government," generally. These, and not merely the propriety of adopting "the measures of Hamilton," first referred to, should have been vindicated by the Colonel, if anything was to be vindicated; and he should not thus have overlooked the very purpose which originally aroused him and thus have wandered into an explanation of less important and wholly irrelevant subjects, without, for a single moment, returning to the original questions. The effect of all this is, that while he has admirably succeeded in showing that, in every question which he has been pleased to discuss, Messrs. Jefferson, Madison, Monroe, Jackson, etc., were *as much in accord with Hamilton as he himself is*, and, therefore, *quite as much Hamiltonians as he is*, he has entirely neglected the particular vindication which he promised; and has left on the title-page and in the statement of the facts, in his first paragraph, all that we are permitted to know of either the alleged misrepresentation by Mr. Van Buren, or the promised vindication, by himself.

It seems to us that Colonel Hamilton continues to owe it to the world to rescue his father's reputation, if Mr. Van Buren has really outraged it and if he can properly vindicate it, notwithstanding this pamphlet has been issued; and we are sure that he will not be slow to correct his oversight and to finish the work which he has so far, only commenced.

23.—*Willson's Intermediate Reader*: on the original plan of the School and Family Series; embracing, in brief, the principles of Rhetoric, Criticism, Elocution, and Oratory, as applied to both Prose and Poetry. The whole adapted to Elocutionary Instruction. By Marcus Willson. New York: Harper & Bros. 1870. Duodecimo, pp. 372.

This volume has been prepared, the author

tells us, "with special reference to Rhetorical and Elocutionary Instruction, through the 'reading lessons which it embraces;' and we know of few branches of information which are more important and yet more frequently neglected or more imperfectly taught, in our State schools. Indeed, a good reader, among our school-children, is almost as rare as a white black-bird; and if Mr. Willson, with a mere text-book, can remedy, or even lessen, the evil which is produced by careless or incompetent State teachers,—which, we fear, cannot be done,—he will be entitled to the gratitude of parents and pupils, the country over.

Nevertheless, the volume before us is evidently as well adapted for such a purpose as any mere text-book can be; and if it shall fall into the hands of careful and competent living teachers, it will undoubtedly be found useful and effective. In its elementary lessons, it is very clear in its definitions and its illustrations are appropriate and well-selected. The "pieces" selected to illustrate the various classes of composition—Narrative and Descriptive, Didactic Writings, etc.—also, are from the best writers and well-adapted for the purpose of the volume; and many of them are made more attractive by means of very neatly executed illustrations.

The volume is a very neat one.

24.—*Life, Letters, Lectures, and Addresses of Fred'k. W. Robertson, M. A., Incumbent of Trinity Chapel, Brighton, 1847—1853*. Complete in one volume. New York: Harper & Bros. 1870. Duodecimo, pp. 840.

Sermons preached at Brighton, by the late Rev. Frederic W. Robertson, the Incumbent of Trinity Chapel. New Edition. New York: Harper & Bros. 1870. Duodecimo, pp. 838. Price \$1.50.

The Reverend author of these volumes was a Clergyman of the Established Church of England; a member of a family of influence; a favorite of the fashionable world; and yet a popular preacher and speaker among the masses. He was active in good works among the people, whether in the Lyceums, the Mechanics' Institutes, or the Early-closing Associations; and his teachings are marked with great boldness, great beauty, and yet great simplicity of style.

In the volumes before us we have not only the Memoir of Mr. Robertson's Life, but selections are given from his Letters, his Sermons, his Biblical Expositions—"Lectures," he called them—his Addresses, etc.; and to those of our readers who incline to follow the narrative of an honest, earnest Pastor, conscientiously following the dictates of his duty, even in the face of personal danger, these volumes will be found peculiarly acceptable.

Although they are printed for general circulation, at a very moderate cost, these volumes are very neatly printed, and are worthy places on any table or in any library.

THE
HISTORICAL MAGAZINE.

Vol. VIII. SECOND SERIES.]

SEPTEMBER, 1870.

[No. 3.]

I.—COLONEL ALEXANDER SCAMMELL
AND HIS LETTERS, FROM 1768 TO 1781,
INCLUDING HIS "LOVE LETTERS" TO
MISS NABBY BISHOP.

FROM THE ORIGINAL MANUSCRIPTS, NOW FIRST
PRINTED.

COMMUNICATED BY CAPTAIN WILLIAM F. GOOD-
WIN, U. S. A.

I. THE SCAMMELL FAMILY RECORD.*

Doct, Samuel Leslie Scammell and his wife (whose maiden name was Jane Libbey) landed at Boston Mass. A.D. 1738. Settled in that part of Mendon now Milford, (sailed from Portsmouth, England,) practiced Physic until his death A.D. 1753. He had two sons viz Samuel Leslie, born A.D. 1739, and Alexander born A.D. 1744.† They by their fathers request, after his death, were put under the care of Rev. Amasaiah Frost, the former until he was fitted for the study of Physic; the latter for college. Samuel, on leaving Mr. Frost, studied Physic and Surgery under Doct. —Wheat of Newton & Boston, & Doctor John Corbett of Bellingham whose daughter, Bethiah, he married; ‡ practiced Physic in Milford and died at Bellingham A.D. 1805, aged 66: his wife deceased eight days before him. And Alexander on leaving Mr. Frost, entered College at Cambridge Mass. graduated A.D. 1769: He then taught School at Kingston Mass., Portsmouth N. H. and Shepleigh, Maine. He spent some time with Thomas

* Copied from the Family Bible, in possession of John L. Scammell, Esq., of Milford, Mass., Sept. 26, 1860.—W. F. G.

† Harvard College Records say he was eighteen years and four months old when he entered College, and that he was born on the twenty-seventh of March, 1747. There are two independent records which confirm each other. If he entered the Freshman Class, in 1765, as is probable, the College Records would appear to be correct.—W. F. G.

‡ "Dr. Samuel Scammell of Mendon and Mrs. Bethiah Corbett of Bellingham were married January 3d 1760
"by Rev Amasaiah Frost Pastor
"of the Second Ch. in Mendon"

—Mendon Town Records.

Scammell, his Cousin, who was commissioned by the King of England, to survey timber in the District of Maine, and then he entered the Law Office of John Sullivan of ——— N. H. where the Revolution found him: Was then appointed Brigade Major in the Army, at Cambridge; he afterwards served as Adjutant-General of the Army until a short time before the surrender of Lord Cornwallis, when he took command of a Regiment of Light Infantry, (as before this, he commanded a Reg. at the capture of Burgoyne) when having been sent out a few days, before the surrender of Cornwallis to reconnoitre the works of the Enemy, was taken by a party in ambush, from whom he received a mortal wound and in a few days died aged 37.

He was six feet two inches in height and unmarried.

MARIAGES.

Samuel L. Scammell of Bellingham to Emily Stearns of Milford, married at Milford Oct. 10th, A.D. 1811, by Rev. David Long

Dr. John Scammell was born at Mendon, now Milford Dec. 30th, 1761 His wife was Hannah Jones, born at Holliston Nov. 29th, 1760. Married Nov. 1781 and died Sept. 9th, 1823.

THEIR CHILDREN.

Hopestill born May 6th, 1783. Married Otis Thayer, April 1807. died Oct. 13th, 1808, aged 25.

Samuel Leslie, born Nov. 25, 1784.

Mary — born Nov. 25, 1786. Married John Wheeler, April 1807, died Feb. 3, 1811, aged 24
Bethiah — born June 16th, 1791. married John Wheeler, April 1812, died March 7th, 1816, aged 24.

John Corbett — born Aug. 5th, 1793, died Jan. 2d 1848, aged 54.

Samuel Leslie Scammell born at Milford Mass. Nov. 25, AD 1784.

Emily Stearns born at Milford Mass. January 14th, 1793.

Mary Wheeler Scammell, born at Bellingham, Mass. Dec. 23, A.D. 1812.

John Stearns Scammell born at Bellingham, Mass. May 26, A.D. 1816.

Doct. John Scammell, died March 9th, A.D. 1845, aged 83 yrs.

Emily Scammell wife of Samuel L. Scammell, died at Milford June 8th, 1854, aged 61.

Samuel L. Scammell died at Milford July 17th, 1855, aged 70.

David Stearns born at Milford Feb. 4th, 1749. Married at the age of 22 years, to Dinah Bullard aged 18 yrs, who died Oct. 23. 1789. aged 39: again married Joanna Adams, born June 15th, 1761, and when married 29 years of age by whom he had issue.

Nancy Stearns born March 1st, 1791

Emily Stearns born January 14th, 1793.

Joanna Stearns born Dec. 24th, 1794

Sally Stearns born Nov. 14th, 1796

The said David Stearns died June 28th A.D. 1826, aged 77. His said wife Joanna died Feb. 14th, 1843 aged 82.

2.—LETTERS.

I.

DEAR SIR,

I hope you will accept of my Acknowledgments, for the unmerited favor you have conferred upon me In writing to me; & I hope I shall be able to make you a more adequate Compensation, if ever I should return to College, if not I hope you will take up contented with this (for it is all the paper I've got) indeed Sir a Word from Cambridge is to me a Word in Season. I want a letter from there every Day, to enliven my drooping Spirits. I am in a sad Condition since you left me, afflicted with a bad Cold & tormented with the impertinet Buzzing of a parcel of ignorant Souls asking about the Tutors & President's Study & the L—d knows what all; some say I am expell'd, some say I dare not return to College & with a significant Nod of their Crasy Heads say ah he is a sad Rogue & will now be paid for his pranks by the Gross; he'll have a humble Acknowledgment to make I'll warrant you; then Pride have a fall quoth the Other: But d—n em all, if they'd let me alone I woud them as the old woman said to the fleas. But however the most sensible part say I am keeping School which is matter of fact, but shall finish tomorrow Noon at your Service sir. I dont think you'd know me unless you see me in the Sellar Room, I am so pin'd away that I am almost afraid to look at myself & much less to feel of the sharp Bones that peep thro the Skin; & unless I Can enjoy your agreeable

Company & that of my old friends I shall soon make a fine Skeleton, which is the best Use I believe the can put me to. But however I am determin'd to banish this Gloomy Sadness as fast as possible for your Mother threatens to lick me if I dont chear up, but I tell her I'd rather make an Acknowledgement, which will be I hope next Week, & if not then not till the Week after Election. I Visit your House very Often, & view some of your things which seems to afford me some Satisfaction; for I am now obligd to unburthen my Difficulties, & Scruples of Conscience to the Empty Winds since you have left me. I never wanted to see you more in my Life, but must be contented with congratulating you upon your Reception into the Bosom of Alma mater; & condoling with you upon your loosing the Waitership. But much good may do the present Waiters & I believe it will be with them male parata male dilabuntur,* & we have this to console us, to say with the fox we dont want any favors at their hands, since we cant obtain any.—It is a general time of Peace & health in the Precinct, we have had one little shindy since you went down, but it did'nt seem to do. your sisters & I when we meet have a general sypathetick Word Oh I wish frost was here, I want to se him unmassfully; we are afraid that you will be sunk in Spirits & College instead of being delightsom will rather be a burthen. But take a wish from us all, that you would Chear up & rise superior to all the Taunts & Insults of the little Godships.—If I dont come down till after Lection I hope you will get a Horse & come & persuade my Chum to come with you, for I expect Broomshire† will afford something entertaining upon y' Day, to every speculative Mind all hands upon Deck are going to train, & those that cant get steel implements get woddren ones & what cant get woddren ones carry Clubs. I pray come up with my Chum if you can possibly get away so y' all the Companies may have Levitt for their Priest. excuse the Defects of this Epistle by your extensive Candour & burn up the Letter as soon as possible & you will oblige your affectionate & sincere friend

ALXDR. SCAMMELL

P S. all our family desire to be remembered to you.

MENDON May the y^e 10 1768.

[Superscribed]

MR AMASIAH FROST ‡

Student at

HARVARD COLLEGE

* Proverb: "Come to no good end."—W. F. G.

† Mendon, called "Broomshire," from the fact that Brooms were manufactured there.—W. F. G.

‡ These Letters to Mr. Frost, were found, September 25. 1860, in the garret of the old Frost house, in Milford, Mass.—W.F.G.

II.

KINGSTON, August y^e 15 1769

DEAR FRIEND

Our intimate & early acquaintance & friendship, render my separation from you very melancholly; alas my friend! I shall never enjoy your company with the same relish as formerly; tho' I am in hopes we shall be together again very frequently, yet it will not seem as when devoid of care we were wont to pass away the fleeting hours in each others company, both at mendon & cambridge. Then I enjoy'd pleasure unmix'd with care, & free from the vexations of this world. But now, I have landed into the world, left college my darling Elezium; & those hyllean sweets, y^t the sons of harvard enjoy, Left my native place, & friends of my youth, & am now a pilgrim in a strange land, & what is it for! for? why to get a scurvey livelihood, from the poor *pittance* (I dont very well understand y^t word) of 200 [£] an—. O my friend snatch the golden Opportunity, the precious span of time y^t now offers you, improve it to the best advantage, & live happy whilst you may; divest yourself of y^e cares of this world, & deceitfulness of riches; For I assure you y^t they will rush in upon you like a mighty torrent as soon as you have left Alma Mater. I seem at times to be deluged in vexation, & when I reflect upon what little progress I made in learning whilst at College I feel less yⁿ y^e least of all flesh. But reflection serves only to aggravate my present circumstances. I will therefore descend to some particulars of the present state of my pilgrimage. I begun school the monday after I left mendon in that part of Kingston which joins on plymouth, the heathern name of the place is rocky Nook. I board on the road to plymouth (N. B. I dont run at large) at one Cap^t Lowthrop's; within 3 Miles of my Chum, ah happy circumstance, for we are yet Chums in y^e strictest sence of y^e word, for altho we dont live in y^e same chamber & town yet we live in y^e same county; & y^t with relation to y^e wide world, my classmates; is as it were the paper'd cock-loft 3 stories high, (O by the by have you got the chamber?) My school consists of about 30 scholars between 4 & 13, abecedarians amongst them. 17 or 18 of y^m are writers & they are the most forward mannerly, tractable, obedient & ambitious little things y^t I ever saw in my life, my school house is in plain sight of the harbor, so that I have a prospect of all y^e vessels as they enter & pass out of it my boarding place is very agreeable to me; & the people the most agreeable I was ever amongst—I want very much to have some of my college friends take a tour to Kingston either by land or water, pray Sir if you can possibly take a ride this fall Vacancy, come down to see me, it is as pleasant

a journey as you can take, & you cant imagine how great pleasure & satisfaction it would give your sincere friend

& humble Ser^{ts},ALEX^d. SCAMMELL.

P. S. Please send me the british Grenadier; & send me word if you cant get a school this winter to suit your mind, & I will make enquiry after one in this part of y^e country.

[Superscribed.]

For

M^r AMARIAH FROST,

Student at

HARVARD COLLEGE.

III.

KINGSTON, October y^e

DEAR SIR:

I expect these Lines will find you preparing for Broomshire, big with the thoughts of vacancy & its diversions. Time was once when I could realize Y^e enlivening thought, but now I have far distant Scenes, the Approach of chilling Winter, & the continual din of pray Sir, & pray Sir. I wish I could spend y^e Vacancy with you, as we were wont to do, either in riding, or among y^e squirrels, & young Ladies, which serv'd not only to give strength & Vigor to the Body, but softened and embelished y^e mind. So y^t by the assistance of Squirrels, horses, & Ladies, we got a good relish for College. But now I have no Squirrels, but few Ladies & as few horses, You understood when here y^t I had engag'd Plymouth School; Well, Y^e Week after you was here Y^r had a town Meeting & sent over a Committee to see whether I would relinquish my Engagement. I told you I had no desire to keep the School if Y^r could possibly keep M^r Barrows in, & if Y^r would make me some very small allowance I would give it up. the next Monday both parties muster'd as strong as possible & after having quarrel'd all y^e Afternoon between daylight & dark Y^r voted M^r Barrows out of the School by y^e turning vote of y^e Moderator. Quarrelling has got to very great perfection among y^m so y^t I determing if y^e School Committee will release me, to keep as far from y^m as possible: & am now clawing off as fast as I can. But am afraid Y^r Y^r wont let me relinquish y^e Bargain. If Y^r do get me amongst y^m wo be to me! Barrows keeps for his party in his own house & seems desirous to live with y^m bad as Y^r are. all y^e principal ones of y^e town are against him. I was in great hopes when I came here, to have liv'd, at least, a peaceable life. But at present live a very vexatious one. However quarrelsome or not I still remain your

Friend & very humble Servant

ALX^d. SCAMMELL.

P. S. Please to keep this Letter a part from my folks at Home, unless call'd upon by y^e to tell what you know, & I should be glad if you would not tell y^e but what I determine to stay at Kingston the whole year, tho at present it is very uncertain whether I keep more y^e my Quarter out. Please to remember me to all enquiring friends—A pleasant Vacancy—God bless you. Amen.

[Superscribed.]

To
Mr. Frost,
at
Harvard College
in Cambridge, Student.

Filed—
Oct. 1769.

IV.

MY DEAR OLD MENDON FRIEND:

How fares you? God bless you, how does our Mendon Friends fare Y^e Cold Weather? does Broomshire border upon Mill River* yet, & are all our little circle of Friends well. Well have you been Keeping School, otherwise, Pedagogizing this Vacancy; & If you have, how much Patience have you left, if you have but little, burn this before you read more, for it will require very uncommon Patience to bear with this Nonsense, But it is all I have left having Epistoliz'd all my Stuff on paper to my Correspondents, to whom I should be glad if you would give my Litters a toss, i, e, as many as you can conveniently, & I should take it as a very great Favor to receive all the News y^e is stirring at Mendon Cambridge & the Towns adjacent. Since my last to you I have taken my Flight to Plimouth, amidst Friends & Foes, pell mell. some look'd at me some did'nt, but none assaulted me *Vi & Armis*. I liv'd here about 6 Weeks before I dar'd think of enjoying myself; till at length *mirabile dictu* I found myself in the good Graces of my most inveterate Adversaries. How long it will hold, I'll tell you as soon as possible; all I can tell you at present is y^e I find a fine parcel of hearty fellows here, & good Girls; we have Dances here as thick as Y^e can sputter. My old everlasting Chum lives close to me, as hearty as ever; & would be amazing glad to see you here by Water next April as well as your affectionate Friend

ALX^d SCAMMELL.

P. S. Dont fail of writing every opportunity & excuse my Absurdities Y^e is in my letter, for

*The northeasterly part of Mendon was a parish, in 1741, called *Mill-river*. It was incorporated in 1780, by the name of Milford.—W. F. G.

I wrote it whilst M^r Bacon was washing Dishes.

[Superscribed]

For
M^r AMARIAH FROST,
at
CAMBRIDGE.

Filed:
Dec. 1769.

V.

MY VERY DEAR OLD BROOMSHIRE FRIEND.

The News of your being alive & that by your own Hand, was to me like an Husband to an old Maid, i, e, the best good Luck y^e could befall me, & now *Vice versa* Sabbath day Even. allows an Opportunity to send you a Scrawl. You Mention some *Tutorpresidentincorporation* Affairs, & the violent Tornados Y^e have happened at Cambridge, which seems to revive the the Memory of Days of Yore. Tho it seems you have got one Degree further towards Perfection than usual. We never us'd to go to the Superior Court, or have any Actions go up by *Demurage*, nor take our 1st & second Degree before we commenc'd AB. This was the Case with you, but ye are washed, but ye are cleansed &c. But one thing has happend amongst you which argues a little Want of Foresight or great Forgetfulness, & Y^e is calling the old President up amongst you again. Had he obey'd, woe be to you! Your last State would have been worse than your first. I am very sorry to hear that so many of your Hands are blown over board, & hope that none of the Storms will be very frosty since you have got so near y^e Harbor of Commencement* i, e, the Ocean of y^e World & its Vanities. My friend you will then have sensations perhaps different from what you ever had before. But God bless you, & enable you to have merry Heart, & send you along before

* "DEAR SON:

"Wishing you a frugal, decent and happy Commencement,
"I Send you down, by Your Sister Olive, £51 15s old Ten'r
"with a little Cheese, the best and all I could get.—hope You
"will pay off and Take receipts for all you owe at Cambridge,
"Except at Mr. Reeds, To whom no doubt we Shall be further
"ther indebted.—So that if your money does not hold out,
"nor mine, to pay him I must get him to wait on me till ye
"End of the Vacancy. I hope you will be as prudent as may
"Consist, with your approaching Sir-ship.—Your, Pauper Pa-
"ter, you know would act out of Character to pretend to do
"much at Commencement by way of Entertainment. I Shall
"leave what you have Entirely with your discretion—I pur-
"pose to be down ye day before Commencement,—So wishing
"the Divine Protection, & Blessing to attend you, With Sin-
"cere Affection, I am Your Father,

"MENDON;
"July, 6th, 1770.

"A: FROST.

"P. S. If you can purchase a little Tully, and a great Tully
"(Davidson's Translation), Second handed among your Class-
"mates, reasonable enough to pay you for your trouble; &
"for Ammidon's advantage—it would be Very acceptable to
"him, & heres yo money" * * * * *

† "Frost Papers" in possession of—W. F. G.

Commencement to see your most affectionate friend & humble serv^t

ALX^r. SCAMMELL.

fail not of Appearance, it is impossible you could find a Place more agreeable or a person more glad to see you than me.

[Superscribed—]

For

Mr AMARIAH FROST,
at
College,
Pene AB.

Filed—

July 1770.

VII.

MY DEAR OLD PEDAGOGICAL BROOMSHIRE FRIEND,

I entertained sanguine Hopes of revisiting our native Place together, But not being able to leave Plymouth so soon as I expected, and being oblig'd to be at Portsmouth so soon after I leave Plymouth that I shan't be able to go to mendon in Y^e intermediate space of time. I tell you what if you and I were Lords or Dukes, or what is vastly preferable, if we were rich farmers worth £300000 (and as many more cyphers as you have a mind to add) we would shine out with most refulgent splendour, & cut a distinguish'd figure all over y^e world & more too, that we would—& who in Nature has not made the same wish *iterumque iterumque vocavit*—You are still in y^e dreary regions of School-keeping, I am just Verging to a conclusion, & God grant I may'nt be reduc'd by any adverse dispensation whatever, to be envelop'd in the narrow walls of a School house any more, from this time forth & forever more amen—I arriv'd at Plymouth Sunday Evening after I left Andover, & the Fraternity, had like to have been wash'd away with the Dew of y^e Sabbath—My musical Organs are stuck full of the musical concotinations of that anthem which I heard sung at Mr Philips. Devotion, harmony, & rapturous Symphony go hand in hand in Y^e Composition, it almost broke my Back—If you go to mendon this Spring tell them how fares y^r in my Name &c That you may have little wood, few Scholars, & them good ones, & be endow'd with the double Spirit of Elijah (or Elisha I forgot which) is the ardent wish of yours in *perpetuum*.

ALXD^r SCAMMELL.

PLYM 19 of March.

[Superscribed]

To Mr.

AMARIAH FROST.
at

HAMPTON,
NEW HAMPSHIRE.

Filed March 19, 1772.

VII.

YOU OLD TOM FROST YOU (*Tut But*). This is Broomshire Language—well no matter for that, we were both kittend there, in spite of our Teeth, let us think what we will. & you have been to Commencement too, you have, whilst poor I have been breaking my Back over, Kennebeck, Andrascoggin, Penobscott, & a number of Names ten times harder than them, & more too, I mean I have taking the Plans of them, But hav'nt budg'd an Inch farther than Portsmouth tho, & dont desire to; If I could help it. But pox on it all, in one Fort-Nights Time I must dive into the Blackness of Darkness amidst the inhospitable Wilds of y^e eastern Woods, where the melodious Musick of Nats, Musketoes, Wolves, Bears, & Wild Cats will continually sound a dreadful Peal in my Ears—Well what think you ought to do now, to make me a Recompence for going to Commencement, you must tell me whether the *Dons* gave me my Degree or not—whether you heard from Mendon, & what whither you see my Chum—whether you got Bungy—Whether you went into the Booth after Sunset &, &, whether or not, as much more as you please. I am all impatience till I hear, therefore writ to me the first Opportunity I charge you, by all the Broomshire ties that subsist between us. I fully intend myself Y^e Pleasure of Visiting you at Hampton, but my Business wont Permit. I shall soon quit these Parts. The Lord have mercy upon me, says your sincere friend Alxd. Scammell, and I hope he will smile upon your sincere endeavors to promote the Education of your young Pupils & instil into their Minds true Principles of Virtue & Knowledge. It gives me Pleasure to hear that your Conduct gives universal Satisfaction to your employers may you alway meet with the like Success in every Thing you undertake.

PORTSMOUTH, July 17th 1772*

Be sure & give me a minute Detail, if it fills a Ream of Paper, direct it to be left at Cap^t Tiltons Amen

[Superscribed]

For Mr

AMARIAH FROST
Schoolmster.
at
HAMPTON.

VIII

WELL MY OLD BROOMSHIRE FRIEND.

I have got back safe and sound, and as hearty as an Indian notwithstanding I died last Sum-

* "JULY 4, 1772 To an order to Mr. alexander Scammell "for ten Shillings and three Pence half Penny in full for keeping the Gramer School one week."—*Berwick, Me. Town Records*—W. F. G.

P. S. Please to keep this Letter a part from my folks at Home, unless call'd upon by y^m to tell what you know, & I should be glad if you would not tell y^m but what I determine to stay at Kingston the whole year, tho at present it is very uncertain whether I keep more y^m my Quarter out. Please to remember me to all enquiring friends—A pleasant Vacancy—God bless you. Amen.

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V.

MY VERY DEAR OLD BROOMSHIRE FRIEND,

The News of your being alive & that by your own Hand, was to me like an Husband to an old Maid, i, e, the best good Luck y^t could befall me, & now *Vice versa* Sabbath day Even, allows an Opportunity to send you a Scrawl. You Mention some *Tutorpresidentincorporation* Affairs, & the violent Tornados Y^e have happened at Cambridge, which seems to revive the the Memory of Days of Yore. Tho it seems you have got one Degree further towards Perfection than usual. We never us'd to go to the Superior Court, or have any Actions go up by *Demorage*, nor take our 1st & second Degree before we commenc'd AB. This was the Case with you, but ye are washed, but ye are cleansed &c. But one thing has happend amongst you which argues a little Want of Foresight or great Forgetfulness, & Y^e is calling the old President up amongst you again. Had he obey'd, woe be to you! Your last State would have been worse than your first. I am very sorry to hear that so many of your Hands are blown over board, & hope that none of the Storms will be very *frosty* since you have got so near y^e Harbor of Commencement* i, e, the Ocean of y^e World & its Vanities. My friend you will then have sensations perhaps different from what you ever had before. But God bless you, & enable you to have merry Heart, & send you along before

* "DEAR SON:

"Wishing you a frugal, decent and happy Commencement, "I Send you down, by Your Sister Olive, £51 15s old Teu'r "with a little Cheese, the best and all I could get.—hope You "will pay off and Take receipts for all you owe at Cambridge, "Except at Mr. Reeds, To whom no doubt we Shall be further indebted,—So that if your money does not hold out, "nor mine, to pay him I must get him to wait on me 'till ye "End of the Vacancy. I hope you will be as prudent as may "Consist, with your approaching Sir-ship.—Your, Pauper Pa- "ter, you know would act out of Character to pretend to do "much at Commencement by way of Entertainment. I Shall "leave what you have Entirely with your discretion—I pur- "pose to be down ye day before Commencement.—So wishing "the Divine Protection, & Blessing to attend you, With Sin- "cere Affection, I am Your Father,

"MENDON;

"July, 5th, 1770.

"A: FROST.

"P. S. If you can purchase a little Tully, and a great Tully "(Davidson's Translation), Second handed among your Class- "mates, reasonable enough to pay you for your trouble; & "for Ammidon's advantage—it would be Very acceptable to "him, & heres ye money" * * * * *

† "Frost Papers" in possession of—W. F. G.

Commencement to see your most affectionate friend & humble serv^t

ALX^{dr}. SCAMMELL.

fail not of Appearance, it is impossible you could find a Place more agreeable or a person more glad to see you than me.

[Superscribed—]

For

Mr AMARIAH FROST,
at
College,
Pene AB.

Filed—

July 1770.

VII.

MY DEAR OLD PEDAGOGICAL BROOMSHIRE FRIEND,

I entertained sanguine Hopes of revisiting our native Place together, But not being able to leave Plymouth so soon as I expected, and being oblig'd to be at Portsmouth so soon after I leave Plymouth that I shan't be able to go to mendon in Y^e intermediate space of time. I tell you what if you and I were Lords or Dukes, or what is vastly preferable, if we were rich farmers worth £300000 (and as many more cyphers as you have a mind to add) we would shine out with most refulgent splendour, & cut a distinguish'd figure all over y^e world & more too, that we would—and who in Nature has not made the same wish *iterumque iterumque vocavit*—You are still in y^e dreary regions of School-keeping, I am just Verging to a conclusion, & God grant I may'n't be reduc'd by any adverse dispensation whatever, to be envelop'd in the narrow walls of a School house any more, from this time forth & forever more amen—I arriv'd at Plymouth Sunday Evening after I left Andover, & the Fraternity, had like to have been wash'd away with the Dew of y^e Sabbath—My musical Organs are stuck full of the musical concotinations of that anthem which I heard sung at Mr Philips. Devotion, harmony, & rapturous Symphony go hand in hand in Y^e Composition, it almost broke my Back—If you go to mendon this Spring tell them how fares y^r in my Name &c That you may have little wood, few Scholars, & them good ones, & be endow'd with the double Spirit of Elijah (or Elisha I forgot which) is the ardent wish of yours in *perpetuum*.

ALXD^r SCAMMELL.

PLYM 19 of March.

[Superscribed]

To Mr.

AMARIAH FROST.
at

HAMPTON,
NEW HAMPSHIRE.

Filed March 19, 1772.

VII.

YOU OLD TOM FROST YOU (*Tut But*). This is Broomshire Language—well no matter for that, we were both kittend there, in spite of our Teeth, let us think what we will. & you have been to Commencement too, you have, whilst poor I have been breaking my Back over, Kennebeck, Andrascoggin, Penobscott, & a number of Names ten times harder than them, & more too, I mean I have taking the Plans of them, But hav'nt budg'd an Inch farther than Portsmouth tho, & dont desire to; If I could help it. But pox on it all, in one Fort-Nights Time I must dive into the Blackness of Darkness amidst the inhospitable Wilds of y^e eastern Woods, where the melodious Musick of Nats, Musketoos, Wolves, Bears, & Wild Cats will continually sound a dreadful Peal in my Ears—Well what think you aught to do now, to make me a Recompence for going to Commencement, you must tell me whether the *Dons* gave me my Degree or not—whether you heard from Mendon, & what whether you see my Chum—whether you got Bungy—Whether you went into the Booth after Sunset &, &, whether or not, as much more as you please. I am all impatience till I hear, therefore writ to me the first Opportunity I charge you, by all the Broomshire ties that subsist between us. I fully intend myself Y^e Pleasure of Visiting you at Hampton, but my Business wont Permit. I shall soon quit these Parts. The Lord have mercy upon me, says your sincere friend Alxd. Scammell, and I hope he will smile upon your sincere endeavors to promote the Education of your young Pupils & instil into their Minds true Principles of Virtue & Knowledge. It gives me Pleasure to hear that your Conduct gives universal Satisfaction to your employers may you alway meet with the like Success in every Thing you undertake.

PORTSMOUTH, July 17th 1772*

Be sure & give me a minute Detail, if it fills a Ream of Paper, direct it to be left at Cap^t Tiltens Amen

[Superscribed]

For Mr

AMARIAH FROST
Schoolmster.
at
HAMPTON.

VIII

WELL MY OLD BROOMSHIRE FRIEND.

I have got back safe and sound, and as hearty as an Indian notwithstanding I died last Sum-

* "JULY 4, 1772 To an order to Mr. alexander Scammell "for ten Shillings and three Pence half Penny in full for keep- ing the Gramer Scool one week."—*Berwick, Me. Town Records*—W. F. G.

mer. I have got my head so full of pine, and Hemlock Bows that my Ideas are as bad intangled—as I ever was in a Cedar Swamp, or climbing over Windfalls. But to the Case in hand—I have been above 60 Miles from Penobscot River Eastward by Land through the Woods, find the Life a very healthy one, *"Silence enthroned in dreary Majesty weilds her savage Sceptre throughout the gloomy Woods."* A Bed of Down made of Spruce Bows, & a roaring Fire at the feet preserves Health & draws of all the noxious Humours. I expect to winter at Berwick should be very much oblig'd to you if you would send me all Mendon & C^ollege News inclos'd in a Letter directed to

Alexander Scammell at Berwick.
Quick Quick

P. S.

Cap^t Tilton of Portsmouth will forward your Letters to Berwick,

PORTSMOUTH Decem^r 31, 1772

Come & see me if possible.*

[Superscribed]

To Mr

AMARIAH FROST
Schoolmaster

at

HAMPTON.

IX.

DEAR FRIEND :

I expect to go to Mendon next May If you have any Commands there they'll be taken charge of by me with the greatest Pleasure. Or if you have any News from there please to transmit them or it to Berwick, as I havⁿt heard from Broomshire lately. I wont promise you but what I shall take Hampton in my Way to Mendon, & should be extremely Glad if we could revisit Broomshire together; if your Business would permit. But you must write to me all about it, & excuse the Shortness of the Epistle, & Haste I am in.

Y^r ALXD^r SCAMMELL

PORTSMOUTH March Y^e 10, 1773.

X

DURHAM August 4th 1773.

DEAR FRIEND :

News from Mendon reviv'd me, and it gave me very great pleasure to hear that Miss Olive was coming to Hampton. Perhaps your Sister will have an inclination to see our capital Town. If it would be equally convenient to you, to wait upon your Sister to Portsmouth next mon-

day, as any other day, I will meet you there as the Business of our Office* at present is such, that I cant possibly come to Hampton. Or if you cant go to portsmouth that day, appoint any other day during the Stay of your Sister, and if possible, I'll do myself the pleasure to wait upon you I'll assure you that your Resolution of going to mendon makes me feel quite loansom already, & I am very desirous of seeing you before you quit our Province. You may perhaps have an inclination to show your Sister this part of the Country, & so take a Trip over to Berwick, as Col: Chadbourn would be very glad to see you. You might come thro Exeter go thro Dover so thro Berwick, call upon Mr. Spring in your way to Portsmouth, cross the ferry, & so go home again. A pretty excursion indeed in which short Ride your Sister would have the pleasure of seeing the very quintessence of all New-Hampshire, & the best part of the Province of main In riding less than thirty miles out. 20 Miles from Hampton to Durham (an easy ride before dinner) where you would stay that day & night. The next morning ride from Durham to Berwick, which is 12 miles (pleasant ride before breakfast) where we might tarry that day & night & the next day go to Mr. Springs who will be glad to see you & your Sister. If you will be so very kind as to come this way with your Sister it will very much oblige your sincere friend,

ALXD^r SCAMMELL,

P. S. If you could come this way please to send me word this week, & if you can meet me at portsmouth next monday or not write me word you may forward a letter to me Saturday by Major Sullivan, or friday Night—I shall be at Tiltons if you come to Portsmouth. Come to Durham if possible for you cant take a more pleasant ride. Give my Compliments to your Sister.

[Superscribed]

For

M^r AMARIAH FROST

at

HAMPTON
Schoolmaster

XI.

DURHAM August 17th 1773.

MY OLD BROOMSHIRE FRIEND.

I am extremely sorry that I cant have the pleasure of seeing you before you set out for mendon, & your Sister. As Major Sullivan is absent and I am oblig'd to stay in the Office this week, Pray be so kind as to forward the inclos'd Letters to the Persons they are directed to—If you call at College you may have an op-

* "March 19, 1773. Went to Berwick. dined at Col. Chadbourne's with Mr Scammell, visited his singing school &c. "The next Day went to their Parish meeting—from thence to "Capt Rogers's; from there to his Brothers up the River. "Spent the Evining in Dancing & Singing &c in Company "with Miss Hovey & Wallingsford &c &c Crossed the River "on the Ice to conduct the Ladies to Summersworth." —Frost's Manuscript Journal in possession of W. F. G.

* Office of Gen. John Sullivan, with whom he read Law. —W. F. G.

portunity to send the Letter to Mr. Wadsworth by Col. Warren's Son an undergraduate at College. I promis'd myself a great deal of happiness in taking the Tour with you & your Sister, which I propos'd in my last Letter to you, as I cant conceive of a more pleasant excursion that you could have taken, and still hope you will come this way upon a second thought And as to your Sister's getting a Surplusage I am not afraid of it since she has a more capacious Understanding than to be overcharg'd with y^e curiosities of New-Hampshire, Give my kindest and most respectful Regards to your Honr'd Father, Mother, & Sisters. Tell my Mother & Brother that my Demensions are as extensive as ever, I should be glad to be once more with you at our native Soil but dont expect to, for by the time that I can get there, (which will be I expect next September come twelve month) you will be discharging the great Gun of the Gospel at the Heads of impenitents, & if you put on a great long fac'd orthodox Fiz, I shall be afraid of you, but am very sensible you have too much Judgment, to dress up Religion in the habit of Austerity, and monkish grimace. Therefore shall be glad to see you, & hear your dispensations in Y^e evangelical way, where you begin to bear fruit.* May you succeed in your undertakings, be a rousing Preacher, get a steeped parish, handsom Wife, and above all a good Salary—As your affectionate friend, & Serv^t shall ever

Pray

ALXD^r SCAMMELL.

O, I wish you a good journey, give Miss Olive a Pocket full of Love, & as my Letter to Mr. Wadsworth is of great importance please to send it the *directest* way.

[Superscribed]

To

MR AMARIAH FROST

at

HAMPTON

XII

MY DEAR REVEREND, ORTHODOX (FORTASSE)
BROOMSHIRE FRIEND :

I cant realize your being so near as Exeter and not come to Durham to see your sincere friend. Are you afraid of being contaminated

with good sound morality ? (such as prevails in our office) no, I am sure you are not, for charity induces me to believe that you have founded your Orthodoxy on the genuine Principles of Morality. If you have set out upon such principles, nor wreck of Nature, nor the crash of worlds, will sap your foundation. Ne Sutor ultra crepidem might be pronounced with great propriety from your Ecclesiastical Phiz. Haud dubitandum vel negandum—Least in confutation of my Assertion you should level the grape shot of Divinity at me viz, Predestination, Reprobation, non Salvation Transubstantion, Transmigration &c &c—words full of sound but quite devoid of sence (common sense I mean) But stop I'll not write you a single word by way of punishment for your sin of Omission (in not writing to me). Of what pray? why of what ought to be omitted. Ergo no crime, consequently I am absolv'd from my promise. I understand you are Amariah in Eremo; what my apostolical friend? are you going to Heaven through the woods? The way is difficult I have often heard but if it lays through woods, and those spruce & Hemlock; I shall halt till you have clear'd the road for me. But you have the Advantage, you may not only enlighten their bewildered minds, But clear up their woody Farms for them, that is whilst you recommend their doing pennance for past folly, you may get them to work in a Spruce swamp, as the directest road to deep humiliation, and sure repentance. But is it true that you are going to settle on the Confines of Sun sett, is there nothing short of so long a Distance from me, can satisfy your rambling Destiny. If it be so I must set down contented & think of you, tho the Distance is almost to great even to think of any degree of intimacy. But upon the whole the farther you get from Old England the Better. Since like a cruel Stepmother she has withdrawn her fostering hand, forgot her dutiful Offspring, and true hearted descendants, forgot them did I say? Nay, she has even stretched out her cruel hand of Oppression, the Iron Rod of Slavery, to trample us under the vile pedestal of abject Despotism. Assert that Liberty wherewith God and Nature has set us free; Display the Beauties of Liberty, with all the sacred Oratory of the Pulpit; set forth the charms of freedom with such energy as to warm the sourest Tory, convince your hearers that it is the Offspring of Heaven the celestial Donation of infinite Benevolence. Decypher the malignity, Malevolence, Terror, Baseness, and detestable consequences of Slavery in colors blacker than the deepest Hell. Tell them that the man who prefers life to Liberty or would basely submit to Bondage ought to be annihilated. Your Duty as a member of Community,

* FEB. 1774. Spent the most of this month in studying preparatory to the work of the ministry.

MARCH 31. was examined with Mr. Spring by the Association, & received from them a Recommendation to preach.

APR. 3. Began to preach, & after helping several of the Neighboring Ministers went to Townsend in New York, where I tarried Eight Sabbaths & went from thence to Hampton in New Hampshire; after continuing there 12 Sabbaths I preached at Moultonborough three Sabbaths, & from thence returned by the way of Hampton to Mendon again. Then went to Newton to keep school & supply the Pulpit.

"Thus the year is finished."—Frost's Manuscript Journal in possession of W. F. G.

Your Function as a Preacher your Conscience as an honest man demands it of you, with a Voice irresistibly eloquent.

If you should go to mendon, give my most respectful compliments to Your Hon^d Father and Mother, and Regards to enquiring friends. Greet the sisterhood with an holy Kiss; and write a Line to your old friend

ALXD^r SCAMMELL

P S Please to convey the enclos'd Letter to M^r Jones. If this Letter comes to you timely, pray be so kind as to come this way & see me if you dont stay above a Fortnight: I fully intended to have come and seen you, But Business wont permit

[Superscribed]

To

M^r AMARIAH FROST

at

HAMPTON

Filed

July 1774.

XIII.

ST. JOHNS June 2nd 1776.

I had the pleasure of receiving your agreeable, and in some measure severe letter Yesterday, By Col^o Reed I assure you my dearest Nabby* to hear of your health and happiness gives me the highest Felicity—You tax me with Flattery and consequently insincerity. I will

*

"MEDFORD December 7th 1752

"Thean I was married to Abigail Tufts the daughter of "Simon Tufts Esqr.

"and my daughter ABIGAIL was born in October ye 5th: "1753

"and my son John Bishop was born in November 20: 1755

"November 4th 1765, Thean my dear Sister departed this "life, aged 46 years and 5 months.

"September 25—1775. Thean my hon^d Mother departed "this life aged 75 years and five months.

"December 16th 1791. Departed this life, my beloved hus- "band John Bishop aged 69 years, and eight months.

"December 17th, 1807. The widow ABIGAIL PUTNAM died "aged 64 years

"Aug. 29, 1810. The widow Abigail Bishop departed this "life aged 82 years 11 mos. 7 days.

"Feb. 8th 1833, departed this life John Bishop son of the "above aged 77 years, 2 mos. & 19 days.

"April 6, 1722, Thin I was born, John Bishop, Senior, "Abigail Bishop Senior, was born Sept 22, 1727."

In September, 1860, I copied the above from the family record of the Bishop family, at Medford, Massachusetts.

Colonel Scammell was wounded at the siege of Yorktown, on the thirtieth of September, 1781; and died at Williamsburgh, Virginia, the sixth of October following.

Dr. Archelaus Putnam, of Danvers, Massachusetts, married ABIGAIL BISHOP, on the twelfth of November, 1786, by whom he had John Bishop Putnam, born January, 1788, died on the sixth of June, 1792; Abigail, born on the twentieth of July, 1790, died on the tenth of May, 1829; James A., born on the first of December, 1791.—W. F. G.

not arraign the Judgment of a person so dear to me as you are, but begg that you would attribute my warmth of Expressions to a sincere affection, and passionate fondness—This cruel my dearest, tis cruel to ever think I am insincere You wrong me to entertain the least Suspicion of that kind—I am extremely obliged to you for the dear Epistle, the Reception gave me a new flow of Spirits, and the Composition (except the severe part) the highest Satisfaction. I beg you would every Opportunity write to me. I am sorry to hear of your honord Mother's Indisposition, but hope her health will be restored and continued to her, as an invaluable Blessing, both to herself and Family. In my last I inform'd you of being ordered to Canada. I set out from New York the 4th of May, sailed up Hudson's River to Albany one hundred and sixty miles, thro' a most romantick Scene stupendous Cliffs and Mountains surrounded us on either Side, some beautiful Villages and Country Seats would now and then appear in the Valleys; whilst the Distant Mountains appear'd to be cover'd with Snow, the last Retreat of frosty winter,—Many miserable Hutts with poor but happy inhabitants. I was not a little surprized to find Albany to be so dirty a City the houses in the Dutch Taste, the Inside clean to a fault even their Cyder Barrels are kept scowr'd as clean as their Dishes. their women are continually employ'd in scowering their floors, one drop of Ink In a house will breed a Riot, till it is craz'd by soap & sand, and Dishclouts, whilst their Streets are excessive Dirty, and the outside of their Houses resemble a welchman's Breeches, voide of all form and Comeliness. The Dutchmen in general appear like Porter, and their women like Scullions, whilst their Coffers are lined with gold & Silver. We proceeded to St. Johns where we arriv'd the 31st of May, and had the Pleasure of Viewing the Forts, and Fields of Battle where so many of our brave Americans have lost their Lives, and from whence they drove their Enemy. Everything is in the greatest Confusion at Canada, but my brave, worthy, & Honb^{le} Patron Gen^l Sullivan being Commander in Chief of the Forces here, I hope we shall soon have better times here. May Heaven preserve the good State of Health he at present enjoys. I expect a warm Summer, but console myself with the Hopes of being so happy as to see you next Winter, which will richly make amends for the greatest Fatigues. I conjure you by the ties of Love and Friendship not to call it flattery, for I solemnly protest I am incapable of using the least Dissimulation with the person that lies nearest my heart.

The Musketeos continually buzzing round me & the flies, & Knats constantly stinging, I

am afraid will make my Letter unintelligible, Together with the Coldness of the weather which is extremely disagreeable—But hope your generous Disposition will excuse my faults—Make me happy my dear in writing every Opportunity to your

most Affectionate

& devoted

Humble

Serv^t

ALEX^d SCAMMELL.

P. S. The Bearer Mr Swan* will tarry some Days in Mistick, write by him if possible—May the best of Heavens Blessings attend you my Beloved Nabby.

[Superscribed.]

To

MISS NABBY BISHOP,

at

MISTICK.

XIV.

Oct^r 29th 1776.

DEAREST NABBY:

I have not had the Happiness of hearing from you since I left Ticonteroga. Nor had Opportunity to write to you since. My Passion flatters me that you have had no Opportunity of writing. I long for the happy moment when I can press you to my Heart. May Heaven preserve your health, and Partiality in my Favor. My dear Girl write to me every Opportunity. A Letter from you would soften the Fatigues of War. The fighting Part of this Campaign will soon be over, when you may expect a longer and more polite Letter from your affectionate

Humble Serv^t

ALEX^d SCAMMELL.

[Superscribed.]

To

MISS ABIGAIL BISHOP,

at

MEDFORD.

XV.

EXETER, March 22nd 1777.

DEAREST NABBY:

I arrived at Exeter the Monday after I left Mistick, my Horse held out much better than I expected. But as to myself I ever feel dejected when I am going from you. I feel as if I had left my better half behind me, a certain inexpressible something hangs upon my mind, that I cant feel happy when absent from my

dearest Nabby. Heaven has certainly destined us for each other, else why should we be permitted to carry our mutual Affection to so a great a length. But cruel Fate, and a more cruel War has thrown an Obstacle in your way, but hope you will surmount it. I cant conceive how, or why, it should have any weight with you. Love is a noble disinterested Passion. It overlooks small obstacles, & the purer the passion the greater difficulties it will surmount. pray consider the almost infinite Importance it is to me to call you my own before I march to Ticonteroga, how happy it will make me,—and what vast Obligations it will lay me under, to contribute as far as possible to make you happy in the marriage State. I shall not march I believe under a Month from this time, consider me my lovely Girl, and enter into a noble Resolution to give your hand to the man, who loves you almost Adoration, before he takes the field to oppose our tyrannical foes. consider how many young Ladies have immortalized their Characters by encouraging their Lovers to defend their Country—I should still have an Opportunity to celebrate our Nuptials, and spending a Week or ten Days in your dear Company, before my departure, if you could possibly consent. For Heaven's sake! by all the indearing ties of tender affection, I conjure you to write to me by Cap^t Livermore, & if you can consent to my proposal, I will fly to you the wings of Love. However write to me, if you have only time to inclose your name in Paper. The more I am acquainted with you, the more my passion increases—the more tender and delicate my Love. I shall endeavor to spend a few Days more with you before I leave this part of the Country at all Events—And snatch a few moments of Bliss and happiness before I take the field.

Y^r sincere and most

affectionate Friend

ALEX^d SCAMMELL.

[Superscribed.]

To

MISS ABIGAIL BISHOP,

at

MISTICK.

XVI.

CAMP FREDERICKSBURGH, Nov^r 2nd '78.

Dr NABY:

I am at a Loss how to address you, whether as the same intimate dear friend as formerly, or as one who has contracted an intimate acquaintance with some gentleman more deserving of your good Opinion than I am. I always hope for this best, that you are still disengaged; that you still entertain a partiality for me. That my addresses may still meet with a favorable

* Major Samuel Swan, son of Samuel Swan, who resided at Charlestown, Mass., and was burnt out by the enemy at the Battle of Bunker's-hill. His wife fled to Mistic (Medford) where he settled in 1790. Dr. Daniel Swan, the "Good Samaritan," who, now (1860) resides in Medford, aged seventy-nine, is a son of the Major, who died in 1826, aged seventy-six—W. F. G.

reception, and that I may be so fortunate as to deserve your hand as a reward for all the Hardships, & Fatigues I have undergone in the service of my Country. I have been exceeding unhappy in being so long separated from you—The distance of time & place has not in the least abated my sincere attachment and tender regard for you—I entertain the most sanguine Expectations & hopes, that I shall this Winter have the supreme satisfaction & pleasure of waiting upon you—of spending more agreeable Hours in your dear Company—and persuading you to make me happy—The war is almost concluded; our distressed Country will undoubtedly be restor'd to a long wish'd for tranquility, & when that happy, thrice happy period shall arrive I hope upon your own principles you'll consent to my ardent wishes, at farthest—Unless some fortunate deserving Rival should supercede me in your Affection. If you are already engaged to another Person—If you think you cannot consent to make me happy in bestowing your heart & hand upon me, I conjure, I beseech you to write me the first opportunity that I may not have the mortification of finding myself disappointed of the prospect of my long desired happiness too suddenly, when I shall come to Mistic this winter, glowing with the tenderest passion to clasp my dearest Naby to my bosom—and previously arm myself against the unhappy reverse of being frustrated of my warmest Hopes of felicity. I am sure that your Mind is open and generous, & therefore am more urgent upon you to write me information whether you have engaged yourself to any other Gentleman. Tell me candidly lovely girl that I may know the worst, tell me if you think you cannot consistent with your own delicate Sentiments, make me one of the happiest men living; by generously consenting to become mine. But unless you write me, I shall take your Silence for consent, and still suppose you will give me the same kind Reception as usual that you still entertain a kind partiality for me; & that I have still the agreeable delightful prospect of entering into the tenderest connection with the only person that can, that is capable of rendering me gratefully happy—But depend upon it that I have your welfare equally at heart with my own, and unless I suppos'd that it would be the principle Study of my Life (in case we were inseparably connected) to render your Life as agreeable and contented as possible, I should never presume to pursue my Addresses. But where a tender Regard for a person is so firmly fix'd as mine, & establish'd by a Length of Time invariable, I think it impossible but that he should exert his utmost abilities by every kind Office in his power to to render the Object of his Wishes in every

respect happy. That you may enjoy every Blessing & Felicity—That you may be crown'd with Health & Contentment is the predominate Wish: of

Y^rs sincerely
ALEX^d. SCAMMELL.

M^{rs}
NABY BISHOP.

XVII.

CAMP MIDDLE BROOK, Dec^r 26th '78.

DEAR NABY

I have wrote you so many Letters without having the pleasure of receiving a single answer, that I am much at a Loss how to address you in that way which would be most agreeable to you. I wrote you in my last that I entertain'd hopes of coming to Mistic this Winter. The Duty of my Office is so great & of such a Nature, that I am apprehensive indeed am well assur'd that His Excellency will not grant me the Indulgence, unless you would generously surmount the suppos'd difficulties which you think lay in your way and condescend to give me your Hand as soon as I arriv'd, in that Case the Gen^l is possessed of so much Delicacy & generosity, that I am sure he would give me Leave of absence. I hear you are still disengag'd, & that I have grounds to hope. If that is the Case, my Dearest Naby you have Sufficiently try'd me to be convinc'd in your own Breast that I love, that I esteem that I entertain a tender, a most fix'd Affection for you—We both my dear girl are advancing in Years, and grow older every Day—The many happy Couple we daily see, the Assertions of those already married, our own Feelings, nay our Duty to Society convince us the married State is the most happy, the most eligible, & that we cannot be completely contented till we arrive at that State. The longer we remain single, the greater difficulties will arise in our minds. The War which seemed the principal Objection in your mind the last happy moments I was with you is nearly closed. I hope next Summer, perhaps this Winter will put a period to it. If the most tender Love, try'd Affections can make you Happy; I'm sure no person can contribute more to it, than I can, Our long acquaintance, & intimate Connection, renders all reserve, scruples unnecessary and superfluous. We are well acquainted with each others minds & dispositions, you are the only object of all I hold dear upon Earth. You have it in your power to make me the happiest most grateful Husband in the world, whose whole Study would be your Happiness & Contentment. You are possess of those tender delicate Sensations which will induce you not to treat with cruelty or neglect, a person so totally absorb'd & devot-

ed to you. I know you have a generous Soul. I conjure you by all the tender moments we have spent together to write me an answer to this I must urge & insist upon it. Generously condescend to promise me you will make me happy in the Nuptial Bands. By which means I shall be able to obtain Liberty to fly to your Arms and convince you that you have bestowed your Affections & Hand upon a person whose Lively sense of Gratitude will ever render him studiously anxious to do everything in his power to deserve so rich a Blessing. My dearest, pardon me if in the Letter I have wrote any offensive Expressions consider me as a man pleading for earthly happiness, & in that light I hope you'll excuse any Errors in Expression. From my long Connection with you, & the vast Number of Letters I have wrote you I think in justice you ought to send me an answer, & that I have a right to request one. I must again entreat you to write the first opportunity to

Your
ALEX^d. SCAMMELL

Miss
NABY BISHOP.

XVIII.

CAMP MIDDLE BROOK April 13th 1779

Dr Sr.

Impressed with a lively sence of gratitude, for the kind Treatment and Favors you and your Lady have confer'd upon me; desirous of acknowledging the same, and demonstrate that I wish ever to deserve your good opinion, must beg leave to trouble you with this Letter—I need not repeat that after contracting an Acquaintance with Miss Naby, I made bold to ask your & your Lady's permission to continue my Addresses to her. Your kind Consent demands my most grateful acknowledgments. The winter after the campaign of 1776, The several times I was at Mistic I urg'd Miss Naby to give me leave to ask her of you in marriage, and in case you consented, to be married before I took the Field in the Spring of 1777. But to my great mortification she would not give me leave, and declar'd her intention not to marry me so long as I continued in the Army, tho' at the same time us'd no argument to induce me to leave it. I felt unhappy that she had taken such a resolution as my fix'd determination has been ever since hostilities commenc'd to continue in the army so long as my bleeding country demanded my services, and to prefer my Country's good to every self-interested consideration. Had it been possible to have shaken my resolution I should have quitted the service on that account—As I then thought and still think that my happiness in a great measure depends on a Connec-

tion with her—When she had form'd the resolution, & I found I could not deswade her from it, I told her I should be willing she should form connections with any Gentleman, with whom she suppos'd she might live more happy than with me, as I regarded her happiness equably with my own—But should still entertain hopes so long as she remain'd single and disengag'd. I have continued to write to her since by every safe opportunity (when public business permitted) through the medium of Capt Brooks* who has kindly forwarded them—But have been so unhappy as not to receive an answer since the Fall of 1777. Nor have I received an answer from Capt. Brooks since the beginning of last Fall. My being appointed to the office† I am now in prevented my going to New-England the winter before last, as I was oblig'd to use every exertion to transact the business of it. The last winter I fully intended to have done myself the honor of paying you a visit—But found the public business still urg'd my steady continuance in the Office, and the Commander in-Chief averse to my leaving Camp. As I was in a most disagreeable uncertainty I could not urge a prospect of marriage, not being sure but that Miss Naby was already engaged to another person—From my long absence I have been apprehensive lest you might think me deficient in point of that respect and complaisance which is due from me to a Family I am under the greatest obligations to, and which I shall ever honor and respect, But hope the foregoing will satisfy you, that it has been the Duty of my office (the most difficult to leave of any in the army) and that only, which has prevented my waiting upon you long since. My attachment and esteem still continues the same as ever—And could I be assur'd that your daughter was still disengag'd,

* "DEAR BROOKS

"Will you give the enclosed letter a lift towards that Mistical place where—Oh, where—by some trusty person?

"So Admiral Graves has arrived—Sir—Airent, clamitant, & dammand, with Six ships,—a lucky omen if true (vide the name),—so many the more months to consume the enemys provision in New York,—so many the more ships to take and strike off the British list,—so many more hard knocks and so much the more honor. But we do't learn whether he has brought any troops or provisions; the contrary is supposed; neck or nothing this campaign. I congratulate you on the arrival of our good Allies and wish we were in greater readiness for their reception.

"Yrs Truly

"ALEXDR SCAMMELL *

"Lt. Col. BROOKS

"Comd. &c. &c."

"MONDAY JANUARY 5, 1778.

† "Congress proceeded to the election of an Adjutant General in the room of Col. Pickering, who is called to the Board of War, and the ballots being taken, Colonel ALEXANDER SCAMMELL was unanimously elected."—*Journal of Congress*, iv., 8.

* Original in possession of Mrs. L. B. Kyes, Boston, in 1861. There is no date to it.—W. F. G.

and that there was a certain prospect of being connected with your Family in Marriage without leaving the Service (which my honor will not permit me to do, so long as the enemy continue to prosecute the War) I should esteem myself extremely happy, and would as soon as possible obtain Leave of his Excellency, to repair to Mystic—I could then urge my request more forcibly, than I can, in my present uncertainty, and make no doubt he would indulge me, when I could assure him of a prospect of Marriage. Your former Goodness and Generosity emboldens me to ask your and M^{rs} Bishop's consent to marry Miss Naby, without being oblig'd to leave the army, provided she is willing. At the same time could wish you would not mention to her that I have wrote this Letter to you, as I have not previously obtain'd her consent to make this proposal, besides it might wound her delicacy, if she knew I had wrote you on the subject, and so frankly opened the State of our Courtship—this reason has prevented my writing to you before on the Subject. In numbers of my Letters I have made to her the above proposals, in my last by Col^l. Henly I urg'd it strongly, but fear it has been in vain. My duty to you as her parent, & regard to my own Character induc'd me to write you so fully; Must beg pardon for troubling you with so long a Letter, and urge the Subject, which is of so much importance to my happiness, in excuse for it's prolixity—If not too troublesom would beg the honor of an answer from you—Shall ever retain the most grateful sense of the numberless Favors I have receiv'd from you; & sincerely wish that I shall have the honor of subscribing myself in a short time by a more tender name than that of

Yr. oblig'd Friend &
Most Obed^t.

Mr. BISHOP, Serv^t.
ALEXD^r SCAMMELL,

My most respectful Compliments
to M^{rs}. Bishop.

XIX.

HEAD QUARTERS PRACANESS July 15th. 1780.
S^r.

The polite, the generous and kind Treatment I have been honor'd with from you and your Lady has impress'd upon my mind the most grateful sentiments, which time will never efface. I once fondly hop'd for a Connection in your Family, and that I should before this had the honor of addressing you in a more respectful manner. My hopes have now vanish'd, and I am oblig'd to give up my long expected happiness. But altho' I never expect to stand in a nearer Relation to you than at present, yet my

gratitude will never be diminished. I sincerely hope that your daughter will bestow her hand on some worthy, agreeable gentleman, who will render her Life perfectly happy, and give you and your Lady the utmost Satisfaction.

Agreeable to your Request I have inclos'd Floyd's Discharge, I wish the poor man may recover his health, and be enabled to procure a competency for his Family.

Please to make my most respectful Compliments to M^{rs} Bishop, and present my sincerest Regards to Miss Naby, M^r. Bishop, your Son & M^r. White—and rest assur'd that I am with the highest sentiments of Respect & esteem

Yr. Oblidg'd & very Humble Serv^t.

[Superscribed] ALEXD^r SCAMMELL
M^r. JOHN BISHOP Merch^t.

MISTIC

XX.

SONG.

SUNG AT THE CELEBRATION, BY THE OLD COLONY
CLUB, IN 1770.

WRITTEN BY ALEXANDER SCAMMELL.

Tune.—BRITISH HERO.

All hail the day that ushers in,
The period of revolving time,
In which our Sires of glorious fame,
Bravely through toils and dangers came,

Novanglia's wilds to civilize,
And wild disorder harmonize,
To plant Britannia's Arts and Arms,
Plenty, peace, freedom, pleasing charms,

Derived from British rights and laws,
That justly merit our applause,
Darlings of Heaven, heroes brave,
You still shall live though in the grave.

Live, live, within each grateful breast,
With reverence for your names possessed;
Your praises on our Tongues shall dwell,
And sires to sons your actions tell.

To distant poles their praises resound,
Let virtue be with glory crown'd,
Ye dreary wilds, each rock and cave,
Echo the Virtues of the brave.

They nobly braved their indigence,
Death, famine, sword, and pestilence,
Each toil, each danger they endured,
Till for their Sons they had procured,

A fertile soil, profusely blest
With Nature's Stores, and now possessid
By Sons who gratefully revere,
Our Father's Names and memories dear.

Plymouth the great Mausoleum,
Famous for our Forefathers' Tomb,
Join, join the chorus one and all,
Resound their deeds in Colony Hall.*

XXI.†

May 3^d, 1775.HON^d SIR,

Your leaving New Hampshire at a time when your presence was so extremely necessary to cherish the glorious order which you have been so nobly instrumental in inspiring us with, spread a general gloom in Durham, & in some measure damped the spirit of Liberty through the Province: and nothing but the important business in which you are embarked, would induce us to dispense with your absence with any degree of patience or resignation. But when the horrid din of civil carnage surprized us on the 20th of April,—the universal cry was, O, if Major Sullivan was here! I wish to God Major Sullivan was here! ran through the distressed multitude—The April Court, which was then sitting, adjourned immediately—To arms—To arms was breathed forth in sympathetic groans—I went express for Boston, by desire of the Congressional Committees then sitting at Durham, proceeded as far as Bradford, when I obtained credible information that evening—Next morning arrived at Exeter, where the Provincial Congress was assembling with all possible haste, There reported what intelligence I had gained—that the American Army at at Cambridge, Woborn & Charlestown was in need of provision than men—That 50,000 had assembled in 36 hours, & that the regulars, who had retreated from Concord, had encamped on Bunkers Hill in Charlestown—The Congress upon this report resolved that Durham Company, then at Exeter (armed Complete for an engagement, with a weeks provision) should return home, & keep themselves in constant readiness, all the men being gone from westward & Southward of Newmarket, & men of war expected hourly into Portsmouth. It was with the greatest difficulty your Durham soldiers were prevailed upon to return—Six or seven Expresses arrived at Durham the night after our return; some desiring us to march to Kittery, some to Hampton, some to Ipswich &c.—which places they said sundry

Men of War were ravaging—The whole country was in a continual alarm—But suspecting that the Marines at Portsmouth might take advantage of the confusion we were then in & pay Durham a Visit, we thought proper to stand ready to give them a warm reception; and supposing that your house & family would be the first mark of their vengeance, although I had been express the whole the whole night before, I kept guard to defend your family & substance to the last drop of my blood.

Master Smith, being under the same apprehension, did actually lay in ambush behind a warehouse, & came very near sinking a fishing boat, anchored off in the river, which he supposed heaped full of mariners—Men, women & children were engaged day & night in preparing for the worst—Many towns in this Province have enlisted minute men, & keep them under pay; & the Congress before this had had actually raised an army of observation, had they not waited for the General Court, which sits to-morrow; in order to raise as much money as they can to pay off their army when raised. I am extremely mortified that I am unable to join the army at Cambridge—But as I am honored with the management of your business, which can't possibly be neglected, the ties of duty and gratitude induce me to suppress every wish that may militate against your interest. Your family are all in health, & desire their tender love & duty to you. The particulars of the skirmish between the regulars & Americans, will long before this reaches you. In longing expectation your safe, & happy, & speedy return is hoped for by all your friends—but by none more sincerely than your Dutiful, Humble Servant

ALEX^r SCAMMELL.

P. S. Please to excuse inaccuracy, as I am obliged to conclude in the greatest haste. We have heard from you no otherwise than by Capt. Langdon's of the 13th of April

PORTSMOUTH May 3^d 1775

[Superscribed]

TO JOHN SULLIVAN ESQ

AT PHILADELPHIA OR NEW YORK

XXII.*

CAMP ON WINTER HILL Oct^r 24th 1775DEAR HON^d SIR,

Your Brigade is almost a caput mortuum, & their countenances fallen—Providence, to prevent my seeing their gloomy aspects, has turned the relicts of my Dysentery into my eyes, so that I am almost blind. Gen^l Gates has never been here since your departure—Gen^l Greene urges the augmentation of Winter Hill picquet—I urge your orders to

* Russell's *History of Plymouth*. Scammell was then teaching school, there. He was elected a member of the "Club," Dec. 20, 1771.—W. F. G.

† From the "*Sullivan Papers*," in possession of Hon. T. C. Amory, Boston. It was published in Force's *Archives*.—W. F. G.

* From the "*Sullivan Papers*." It was Published in Force's *Archives*.—W. F. G.

go on with the usual details, & by that means have avoided his request—He declares he will lay it before Gen' Lee—But I hope Gen' Lee will go for Rhode Island before he will have an opportunity—The Enemy have been very peaceable since you left us, waiting perhaps in silent expectation to hear the success of their diabolical piratical emissaries—I hope they wont hear of your absence till your return, least they attempt our lives: & a body without a leader they carefully depend on will be at best but a dispirited number.

We imphatically wait to hear of your success—We rest assured that all human efforts will be made use of to oppose the ministerial Butchers, since you preside. May Heaven succeed & prosper your endeavours, preserve your life from the hostile balls, your health from any sad accident, & return you in safety to your many sincere friends and

Very Humble Servant

ALEX^r SCAMMELL

P. S. Please make my compliments to Major Cilley—I long to be with you—The news of the camp, (perhaps the lie of day) is that the King of France offers us two & twenty sail of the Line, if we desire it,

TO THE HON BRIGADIER GEN
SULLIVAN at PORTSMOUTH

XXIII.*

KEEN, May 9th 1777.

GENTLEMEN,

The Backwardness of the men to engage in this Quarter, and the Fewness of men in Capt Ellis's Company renders it necessary that a full Compliment of Officers should be immediately employ'd in filling it—Many of the Towns in the Vicinity of this Place have rais'd but very few men, and it is the Opinion of those I have consulted that a first L^t from some one in those Towns might bring in a Number of Recruits with him. L^t. Barney of Richmond is recommended to succeed L^t. Wright, by the Gentlemen here. If you should think proper to appoint him pray you would do it as soon as possible. If I am not misinform'd, he will be more likely to procure the men, than any other person in this part.

As many of my Officers are not commission'd, should esteem it a particular favor to have them forwarded to Ticonteroga as soon as Convenience permits. Mr Parker knows how many are wanted.

I am with the greatest Respect

Y^r Honor's Most Ob^t. & very

Humble Serv^t.

The Hon^{ble} COMMITTEE OF SAFETY.

ALEX^dr SCAMMELL.

* From the *New Hampshire State Papers*, VI., 378.

XXIV.

STILL WATER, Aug^t 6th 1777.

DEAR CAP^t

The Hurry and Confusion of a retreating army—and being very sick myself have prevented my answering your Letter till this. But rest assured that you have ever been in my most cordial Remembrance. I sincerely condole with you in the Loss of your brave Brother L^t Gray—But as he bravely died and in so righteous a cause must give you great Consolation. If you can have an Eye to Y^e late brave Cap^t Weare's* Effects should esteem it a favor; as Y^e Major cant possibly be spar'd from Camp to take care of them. I should have esteem'd myself very happy in procuring a Furlough for you, But find it impossible. Shall do every thing in my power to oblige you as far as in me lays, and if possible procure you a more easy and Genteel Employment, when your Health will admit of it. I hope kind Heaven will soon restore your Health, & give you the pleasure of seeing your worthy Brother's Death amply reveng'd The darkest Hour is just before the Dawn. I send you inclos'd 100 dollars—Should have drawn money before this, But Things are so dear and times rather precarious, I defer it, till a more convenient Season. I hear Gen^l Sullivan is coming this Way hope it is true—Excuse Haste as the Bearer is waiting.

Y^r affectionate Friend

ALEX^dr SCAMMELL

CAP^t GRAY.†

XXV.‡

CAMP VALLEY FORGE April 8th 1778.

DEAR GENERAL,

Our army is well recovered of the Small Pox. Thank Heaven & General Howe's supineness for permitting us to lay still under inoculation. Clothing is coming in, so that I hope we shall be able to clothe our brave, patient soldiers (the most virtuous men living) in a short time. Recruits begin to come in, & I am in hopes the foundation laid for a plentiful supply of provisions & forage. The Baron Steuben sets us a truly noble example. He has undertaken the discipline of the army, & shows himself to be a perfect master of it, not only in the grand manœuvres, but in every minutia. To see a gen-

* Probably Capt. Richard Weare's of Hampton Falls, N. H.—W. F. G.

† Captain James Gray of Epsom, N. H., a brother-in-law to the late Chief Justice Parsons. He was a worthy and very highly respected citizen—He died April 1. 1822, aged seventy. His grand-daughter, Mrs. Susan Perkins, gave me the above letter.—W. F. G.

‡ From the "Sullivan Papers."—W. F. G.

tleman dignified with a Lt. Generals commission from the great Prussian Monarch, condescend, with a grace peculiar to himself, to take under his direction a squad of two or twelve men, in capacity of a drill Sergeant, induces the officers & men to admire him, & improve exceeding fast under his instructions—I wish the enemy may be drove off from Rhode Island time enough to admit of your joining the Grand Army to lay siege to Philadelphia. Now or never may be the proper motto of America—and what can't she do under the smiles of Providence, if she collects what forces she may at Philadelphia & the other parts held by the enemy, her supernumerary men are sufficient—our expectations are highly raised that you will clear the locusts off the garden of New England. Our army & operations are much injured by the delay of Congress in not fixing the new arrangement. A Pitt is much wanted in our Senate. The wheels of Government drag heavily like Pharaoh's chariot wheels. Indeed the different directions of wheels within wheels must necessarily clash with each other, & finally upset the load, unless more skillfully & spiritedly managed. Hoping that this campaign will terminate the dispute, & that you may be able after your long absence & extreme hardships, to retire with laurels to your library, Mills, &c. &c. enjoy domestic ease. I am, with the greatest respect,

Your Most Obed^t & Very H^{ble} Serv^t
ALEX^r SCAMMELL.

GEN'L SULLIVAN.

[Superscribed]

To the Hon Major Gen SULLIVAN
Commander in Chief at Rhode Island

XXVI.*

CAMP MIDDLE BROOK Dec^r 28th 1778

SIR,

I beg leave to introduce Col^o Wheelock, who commands a Reg^t on the Frontiers of New Hampshire. To mention that he is a gentleman of education, & one who has greatly exerted himself in the present contest, I presume will sufficiently recommend him to your notice, who have uniformly (notwithstanding your exalted station) distinguished merit.

With the utmost Respect, I am
Your Most Obed^t Serv^t
ALEX^r SCAMMELL

Gen' SULLIVAN

[Superscribed]

To the Honble Major General SULLIVAN
Commander in Chief of the Army in the State of Rhode Island.

* From the "Sullivan Papers."—W. F. G.

XXVII.*

CAMP MIDDLE BROOK Jan^y 28 1779

SIR,

Yours of the 7th has come to hand relative to Gen' Sullivan's servants' wages—I have received none for them, & believe that whatever pay has been drawn for them is returned to the Pay Master General—As my old Pay Master has lately resigned, and all monies in hands at the time of his resignation have been transmitted to the Pay Master General agreeable to the established rule relative to Regimental Pay Masters. Agreeable to your request I shall write to Col^o Dearborn not to have any money drawn for them during the time of Gen' Sullivan's being in a separate command; as it will be much easier & more convenient to draw the money for them at Providence, or wherever the Gen' may be.

With respectful compliments to Gen' Sullivan

I am Your Very Humble Serv^t
ALEX^r SCAMMELL.

Major CORTLANDT.

[Superscribed]

Major NICHOLAS VAN CORTLANDT
ade to Gen SULLIVAN
PROVIDENCE.

XXVIII.

CAMP MIDDLE BROOK, April 2nd 1779

DEAR SIR,

Relying on your Friendship, I must intreat you to assist me in procuring certain certificates and Copies of Receipts, which I find absolutely necessary in settling my accounts with the Auditors who are very strict. I have wrote Esq^r Thompson particularly on the subject. Capt. Gilman, the Bearer, will likewise be able to let you into the matter circumstantially.—I am almost tir^d. of quarrelling with Great Britain, wish we could reduce them to reason, and a proper sense of their inability. They seem to be determined to die in the last ditch, and that we shall feel the effects of disappointed malice the ensuing campaign. I further fear that the war will doom me to old Bachelorism, however content myself with this consideration that there is enough of the Breed already. Tho' this consideration dont fully correspond with my Feelings on the opening of Spring. Let us establish our Independence on a lasting & Hon^{ble} Foundation, and I shall be happy at all Events,—It seems half pay for Life for the Officers of the Pennsylvania and Maryland Line is established by the respective States, also half pay to Officers widows since the war began. How this step will be looked upon by the other

* From the "Sullivan Papers."—W. F. G.

States I cant say, this I'll venture to affirm, that it would increase legitimate Subjects to the States, as it would encourage our Officers, who hav'nt wives, to marry and proceed in obedience to the first command,—at present the young women dread us as the picture of poverty, and the Speculators, to our great mortification, are running away with the best of them, whilst we are the painful Spectators of the meat being taken out of our mouths & devoured by a parcel of——. Give my sincerest Compliments to enquiring Friends, Mrs Peabody in particular.

Your Friend &
Humble
Serv^t
COL. PEABODY,*
ALEXD^r SCAMMELL.

XXIX.†

[EXTRACT]

WEST POINT, September 29th 1779.

* * * * *

Does Congress mean to make the officers any permanent consideration? or do they intend to coax them on by doing a little and promising them a great deal, till the war is over, and then leave them without money, (consequently without friends;) without estates, and many without property or constitutions, the two latter of which they have generously sacrificed in defence of their country. This is the language of the officers almost universally, from all the States. My station renders it my duty to make every thing as easy and quiet as possible. But I shudder at the consequences, as I am convinced that in the approaching winter, we shall loose many of our brave officers, who must resign or doom themselves to want and misery by remaining longer in the best of causes, and which in justice should entitle them to liberal considerations and rewards. That men who have braved death, famine, and every species of hardship, in defence of their liberties and fighting for their country, should thereby be reduced to slavery, or what is equally bad, beggary, will be an eternal stigma upon the United States, and prevent proper men from ever stepping forth in defence of their country again. The bearer, Mr Guild, a tutor in Harvard College, is an honest, clever, sensible whig; whatever civility you show him will add an obligation on yours truly,

A. SCAMMELL.

NATHANIEL PEABODY ESQ

* Colonel Nathaniel Peabody, of Atkinson, N. H., a sketch of whose life may be found in the third volume of Farmer & Moore's *Historical Collections*. He was born at Topsfield, Massachusetts, February 18, 1740; and died, June 27, 1823.

† The original letter, from which the above was copied, is in possession of Joseph J. Mickley, Esq., Philadelphia.—W. F. G.

† From Coffin's *Lives and Services of Thomas, Knowlton, Scammell and Dearborn*.—W. F. G.

XXX.*

HEAD QUARTERS STEENRAPPE, NEAR HACKENSACK OLD BRIDGE, Sept. 5, 1780.

DEAR SIR,

I am extremely happy to have ocular demonstration that you are well enough to brandish the goose-quill again. When I had the disagreeable news of your being dangerously ill I wished to ride to Morristown to see you. I attempted to write, but business permitted neither.

The army regrets the recalling decree of Congress, and that your Committee should be absent from the Army at this critical juncture, when famine daily extends her threatening baleful sceptre. What will be the consequence of the present system of supplies? Are we to be in continual danger of a dissolution? Must the United States of America, replete with resources—full of men, rolling in luxuries—strong in allies—entered on the scale of nations under a solemn appeal to Heaven, languishing in the field—her veterans fainting her officers at the head of raw troops, obliged to risk their lives and reputation; with troops counting the moments in painful anxiety, when they shall return home and leave us with scattered ranks? If the regiments are not filled for the war, our cause must fail, I am bold to pronounce. Not a continental officer, I fear, will be left in the field, if he must every six months, become a drill sergeant. It is too mortifying to risk a six years reputation with inexperienced troops. Our good and great general, I fear, will sink under the burthen, though he has been possessed of the extremest fortitude hitherto, which has enabled him to be equal to every difficulty, and to surmount what to human eye appeared impossible. But a continual dropping will impress a stone, and a bow too long strained, loses its elasticity. I have ever cherished hopes, but my patience is almost thread-bare.

We yesterday inclined to this place, and took a new position, about two miles from our former one, on the west side of the Hackensack. Our army is remarkably healthy, but frequently fasting without prayers. I condole with you on the disagreeable news from the southward, and lament the fate of so many brave officers and men. After suffering the extremes of hunger and fatigue, to be basely deserted by the militia, and pushed on to be sacrificed, is truly distressing. Hunger occasioned so great desertion, that their numbers were reduced to a handful in comparison with their numbers when they left Maryland. What demon could induce General G. to advance so far towards the

* From Coffin's *Lives and Services of Thomas, Knowlton, Scammell, and Dearborn*.—W. F. G.

enemy with so few men? And why did he retreat so rapidly, and leave his brave men behind? Wishing you a speedy and perfect recovery of your health,

I am,
Yours truly
ALEX^d. SCAMMELL

Col. PEABODY.

XXXI.*

HEAD QUARTERS, October 3, 1870.

DEAR SIR,

Treason! treason! black as h-ll! That a man so high on the list of fame should be guilty as Arnold, must be attributed not only to original sin but actual transgressions. Heavens and earth! we were all astonishment—each peeping at his next neighbour to see if any treason was hanging about him: nay, we even descended to a critical examination of ourselves. This surprise soon settled down into a fixed detestation and abhorrence of Arnold, which can receive no addition. His treason has unmasked him the eriest villain villain of centuries past, and set him in true colours. His conduct and sufferings at the northward has, in the eyes of the army and his country, covered a series of base, roveling, dirty, scandalous and rascally speculation and fraud; and the army and country, ever indulgent and partial to an officer who has suffered in the common cause, wished to cover his faults: and we were even afraid to examine too closely, for fear of discovering some of his rascality. Now, after all these indulgences—the partiality of his countrymen, the trust and confidence the commander-in-chief had reposed in him, the prodigious sums that he has pilfered from his country, which has been indulgent enough to overlook his mal-practices,—I say, after all this, it is impossible to paint him in colours sufficiently black. Avarice, cursed avarice, with unbounded ambition, void of every principle of honor, honesty, generosity or gratitude, induced the caitiff to make the first overtures to the enemy—as Andre, the British adjutant-general, declared upon his honor, when on trial before the general officers. This brave, accomplished officer, was yesterday hanged; not a single spectator but what pitied his untimely fate, although filled with gratitude for the providential discovery; convinced that the sentence was just, and that the law of nations and custom of war justified and made it necessary.

Yet his personal accomplishments, appearance and behaviour, gained him the good wishes and opinion of every person who saw

him. He was, perhaps, the most accomplished officer of the age—he met his fate in a manner which did honor to the character of a soldier. Smith the man who harbored him is on trial for his life, and I believe will suffer the same fate. May Arnold's life be protracted under all the keenest stings and reflections of a guilty conscience—he hated and abhorred by all the race of mankind, and finally suffer the excruciating tortures due so great a traitor.

I am in haste,
Your friend and servant,
A. SCAMMELL.

XXXII.

Col. Scammell's most respectful Compliments waite on Col. Peabody, and informs him that a Serg^t. Corp^t. and 12 men are ordered to the Committee's Quarters, if that Number is not sufficient more shall be sent. If Col. Peabody is at Leisure this Afternoon to take a Ride, and will give his Opinion on a Horse in Question, it will be esteem'd an Honor & Favor confer'd on his long back friend.

Sunday morn.
[Superscribed]

Col. PEABODY,
In Camp,
Near Gen^l Stark's Brigade.

XXXIII.*

NEW WINDSOR March 7th 1781.

Dr Sir.

I was very sorry to hear you passed by without calling upon me. I hope before this you have perfectly recover'd your health. Your Friendship and anxiety for the good of the service, will perhaps make any Intelligence from us by no means disagreeable. Now we have got a tollerable supply of provisions we want men. No Recruits have arriv'd yet, except a few stragglers—The enemy are penetrating into the southern States in several Parts ravaging plundering, and destroying every thing their licentious, unprincipled murderers choose. Lord Cornwallis after Morgan's Victory having divested himself of all his Baggage made a most rapid pursuit after Morgan, but was providentially stop'd short in his pursuit by the sudden rising of a River, occasion'd by a heavy rain after Morgan had forded it—Cornwallis then changed his Route & persued G^l Greene who was obliged to retire before him to the Borders of Virginia, nearly two hundred miles, the Rapidity of the pursuit, and Retrograde movement of our Southern army I believe prevented the militia of that thinly settled country from reinforcing Gen^l Green seasonably—However by the advices this day received—Lord Cornwal-

* This letter, published in Coffin's *Lives and Services*, etc., was written to Colonel Peabody. Colonel Scammell was Adjutant-general, and superintended the execution of Major Andre.—W. F. G.

* From the Original, in the possession of W. F. G.

lis was retiring and G^t Greene in turn, pursuing him—a pretty Reinforcement is sent from Virginia to G^t Greene which I hope may arrive in season to enable G^t Greene to act offensively, unless Cornwallis is reinforced again. Arnold is speculating upon Tobacco & Negroes in Virginia, another Part of the enemy has landed in North Carolina—The Marquis had by our last advice arriv'd at the Head of Elk, with the light Infantry of our army, the Grenadiers & light Infantry of the french Army I expect by this time has join'd him. I most devoutly wish that the Marquis may ruin the Traytor, and catch his Party—We have been oblig'd to put much to the risque, On account of the present Weakness of our Corps—I hope for success. But it is wrong, exceedingly wrong, that the Commander in Chief should be put to the dangerous necessity of putting so much to the Hazard for the safety of the Southern States. Had our Reg^{ts} been fill'd agreeable to the Requisition of Congress, Clinton would never have presumed to make such large detachments from New York. I intreated you to make use of your utmost Influence to persuade the State to raise, and send on their full compliment of Recruits as soon as possible. Our situation otherwise will soon become very critical.

I am S^r Y^r Most Obed^t Friend &
Serv^t.

ALEXD SCAMMELL

COL^o. PEABODY.

II.—THE NORTH EASTERN BOUNDARY OF NEW JERSEY.—CONTINUED.

[The following paper, from the practiced pen of WILLIAM A. WHITEHEAD, Esq., of Newark, N. J., the distinguished author of *East Jersey under the Proprietors*, and Corresponding Secretary of the New Jersey Historical Society, will be read with great interest, by many of our subscribers and by students of our Colonial History, generally.

It is a continuation of the discussion, in behalf of New York, by the Attorney-general of the State and by her eminent historian, Hon. J. BOWEN BRODHEAD, which was opened in our columns, some weeks since; and we congratulate our readers that a question of such great importance has been discussed by advocates possessing so much ability, in the columns of THE GAZETTE.—*The Gazette*, No. 693, Yonkers, N. Y., September 2, 1865.]

IV.

A REVIEW OF MR. COCHRANE'S PAPER ON THE NEW JERSEY BOUNDARY.

BY W. A. WHITEHEAD.

There are some questions which, however thoroughly discussed and definitely settled, will, "ever and anon," be evoked from a sleep of years by enquiring, mercurial spirits, with a demand for a rediscussion and a resettlement, although nothing may have occurred while they have lain dormant to warrant the procedure; although no new light may have arisen to illumine what was before dark, or any good

purpose be effected by their revival. For a time, factious circumstances may infuse into a question of this kind, some semblance of vitality and importance; but, however potent may be the influence of error, or however protean the forms it may assume, if truth has been ever elicited, the looker-on may quietly await the issue, confident that the vexed question will, ere long, be restored to its wonted state of repose.

Such is the character, such the present position, and such the ultimate fate, of the question which was made the subject of extended comment, by the Hon. Mr. Cochrane, in a paper read at the June meeting of the New York Historical Society.

Nothing has occurred rendering it advisable to change the present mutual boundaries of, or to disturb the friendly relations existing between, the States of New York and New Jersey; no new information, of essential importance, affecting the points formerly at issue, has been gathered; and only the fact that a high law-officer, connected with the Executive Department of the State of New York, has revived the topic and given his views respecting it publicity—not only by their presentation to such a distinguished body as the New York Historical Society, but by printing them in full, over his own name—gives to it a temporary interest. It is the intention of this review to facilitate the return of the subject to the shades whence it was drawn.

The theme which Mr. Cochrane gravely propounded, and which he so elaborately discussed, was the assertion "THAT THE WATERS BETWEEN 'STATEN ISLAND AND NEW JERSEY, THE KILL 'VAN COLL, THE SOUND, AND RARITAN-BAY, OR 'BY WHATEVER OTHER BAPTISMAL NAMES THEY 'OR THEIR PARTS MAY HAVE BEEN, OR ARE NOW, 'DESIGNATED, TOGETHER WITH ALL THE WATERS 'WHICH LAVE STATEN ISLAND SHORES, WERE, 'FROM THE PERIOD OF THEIR DISCOVERY, KNOWN 'AND ACCEPTED, AND SHOULD PROPERLY NOW BE 'CONSIDERED, THE WATERS OF HUDSON'S-RIVER."

The proposition is a simple one, and its operation, if established, equally so: the aim and effect of the learned gentleman's paper being to cut off New Jersey from any water privileges, excepting such as she may enjoy on her ocean-beat coast or in Delaware-bay, and place her, a suppliant, at the feet of New York, for permission to enjoy, in quietude, the rights which she derives from the same source that conferred upon her larger and more opulent sister State, the germs of her prosperity.

Mr. Cochrane is met at the threshold of his investigation by certain "baptismal names," borne by the waters referred to, which he conceives to have been "imposed by accumulating

"ignorance or design;" and seems to imagine that the generations, past and gone, possessed neither eyes to perceive where physical peculiarities required the conferment of special appellations, nor judgment to determine what those appellations should be: his own acquaintance with the localities and his own experience in navigating these "falsely" named waters especially qualifying him to succeed where they so signally failed.

In order that his positions may be fairly and fully presented, the following extract from his paper is given at length:

"When Hudson, carefully consulting his soundings, 'went in past Sandy Hook,' on the evening of the third of September, 1609, he moored the *Half Moon*, in 'the Bay.'

"A boat's crew proceeding upward, to the 'North, on a subsequent day,' [September 6th,] 'we are told that they passed through the Narrows, into a commodious harbor, 'with very good riding for Ships.' In their further progress, northward, they discovered the Kills in 'a narrow river to the Westward 'between two Ilands.' The exploration of 'this river disclosed to them 'an open Sea,' now called Newark Bay. When the *Half Moon* first left her anchorage, in 'The Bay,' [September 11,] 'Hudson cautiously passed 'through the Narrows; 'went into the River;' and again found moorage, near the mouth of 'the Kills, in 'a very good Harbour for all 'windes.'

"This simple statement of Hudson's discovery purges, effectually, the clouded medium of 'subsequently distorted narrative; and our neutral vision has direct access to 'the bay,' the 'harbor,' the 'western river,' and 'the 'open sea,' unperverted into unnatural lineaments by the false names imposed by accumulating ignorance or design; and representing them, as they lay, and as unchanged they lie, in physical aspect—the only distinguishable 'bay,' below; the 'narrow straits,' above; the 'estuary, roadstead, or 'harbor,' within; 'the 'river,' conducting the upper waters to the 'West; and, beyond that, the 'open sea,' in the 'distance. If now we apply to this fluvial system, the nomenclature adapted to it by the proper names since borne by the river which originated it and the ports on its banks, 'the 'bay' becomes the Great Bay of the North-river; 'the Harbour,' the Harbor or Port of New York; and 'the narrow river to the west-ward' and 'the Narrows' at the South, the mouths through which the waters of the Hudson discharge themselves, through the Great Bay, into the main sea.

"Here, then, is probably the most fitting place for the remark, that the confirmation of

"this hypothesis will be the explosion of the 'injurious theory upon which the Treaty of 1834 ceded to New Jersey one-half of the rights of New York to the waters of the Hudson and of those which separate Staten Island from New Jersey, together with the lands under them, upon the very common error of mistaking the harbor of New York for the bay of New York, and of imposing the name of 'Raritan-bay on a portion of the waters of the 'Great Bay of the North-river.'

The reader will please notice that Mr. Cochrane's "Great Bay of the North-river" is simply "the bay" of Hudson and other navigators; and as such it will be considered.

On proceeding to advance his proofs applying to his hypothesis, he places prominently among them, and relies greatly upon, the testimony afforded by Maps; but it is a singular fact that *not one*, ancient or modern, confers upon "the bay" any cognomen conveying the idea that its waters are sufficiently homogeneous with those of the North-river to authorize the adoption of the restricted appellation suggested by the Attorney-general.

The earliest geographers, on their earliest maps—those quoted by Mr. Cochrane—leave it unnamed, as being simply an arm or portion of the Atlantic Ocean; or, when they do give it a specific appellation, designate it as "Port May," or "Godyn's Bay," or "Coenraet's Bay," not recognizing its relation to the North-river. But these specific names soon disappeared; and the common sense of each and every generation, since, has been in entire accordance with the present nomenclature, which is warranted by the physical peculiarities and configuration of the shores and shoals; as a general appellation, to the whole expanse of the waters referred to, would be necessarily indefinite and consequently inappropriate. Convenience, propriety, and fact coincide in designating the waters to the West of the peninsula of Sandy Hook as those of "Sandy Hook Bay;" in considering those immediately South of the Narrows, as constituting "the lower Bay," in contradistinction to the one above; and those waters lying South of Staten Island, received from the Raritan-river and Staten Island Sound, as "Raritan-bay." It is not usual to claim for this last a more extended locality than it is strictly entitled to. It is not made to encroach upon "the lower bay;" but, in conjunction with "Sandy Hook bay," laves the shores of New Jersey and Staten Island and contributes its quota to the ocean, through the Main Channel, at Sandy Hook.

It is a noticeable circumstance that Mr. Cochrane considers those maps which leave this expanse of water *without a name*, as substantiat-

ing its claim to the specified title he suggests, no matter what may have been the definite object had in view by their projectors. For example, he draws attention to a map in *East Jersey under the Proprietors*, and says, "it confines 'the name of Raritan to the river now known 'as such, but represents none for the waters 'from its mouth to Sandy Hook;' and he styles it 'a Map of the settled portion of New Jersey, 'projected and described in the year 1682;' adding, 'the map of 1682 thus singularly concurs 'with the Patent of 1665,' [*The Monmouth Patent*] 'in protecting 'the Bay' from the infectious waters of the Raritan."

Now the author of the work referred to expressly states (*Page 123*) that the map 'was 'compiled' [*for his work, published in 1846,*] 'from various sources'—for what? To 'give the 'reader an idea of the extent of the settled portion of the Province,' in 1682. That was its purport, nothing more. If he had entertained the remotest idea that his map would have been referred to, to prove the non-existence of Raritan-bay, because of his omission to insert these words, it may be safely assumed that they would have been there. The Attorney-general should award him credit for not being influenced, in the preparation of his map, by 'the corruptions of the mother tongue' to which he alludes in his paper.

To strengthen his position, Mr. Cochrane gives two extracts, which connect with 'the 'Bay' the adjuncts which he covets.

Cornelius Van Tienhoven, Secretary of the Province of New Netherland, speaks of it, in 1650, as 'the Bay of the North River;' and the Patroon Melyss purchased from the Indians, the same year, some lands 'at the South side, 'in the Bay of the North River;' and, with a little more research, some few like instances might have been discovered; but it is safe to assume that, in all such instances, the appellation was not intended to partake of the exclusive character which Mr. Cochrane would give it. Thus, for example—and one example will suffice, although others might be furnished—De Razieres, in his letter to Blommaert, says, 'I arrived before the Bay of the great Mauritz River, sailing into it about a musket shot from 'Godyn's Point into Coenraet's Bay, where the 'greatest depth of water is,' etc.—(*Collections New York Historical Society, Second Series, ii. 342,*)—recognizing the existence, among navigators, at that early period, of a specific appellation for a portion of 'the Bay;' and it is a noticeable circumstance that De Vries, who probably went in and out of 'the Bay,' a greater number of times than any other navigator, during the domination of the Dutch, never conferred upon it a title connecting it exclusively with

the North, or Hudson's-river.

But is there any thing remarkable that a great river should not carry its name with it to the ocean? There are many streams, along our coast, which, after placidly meandering through the country, conferring beauty upon the landscape and bestowing beneficent gifts upon the inhabitants, seem to decline having their names identified with the rougher and world-tossed waters of the ocean. The cases are too numerous to admit of the conjecture that the failure of the stream of the Hudson to carry its name to Sandy Hook is an exception 'originating in ignorance 'or design.' To insist, so strenuously, upon revising the present nomenclature, in order to identify the waters of 'the bay' with those of the river, argues some weakness in the positive proofs that they are identical.

But it is essential to Mr. Cochrane's theory that he should establish this point; and the greater part of his paper is devoted to its development and illustration: the applicability of his quotations, in a simple historical enquiry, not being always apparent. He quotes Governor Dongan, who says 'We, in this Government,' [*New York*] 'look upon that Bay, that runs into 'the sea, at Sandy Hook, to be Hudson River.' This was in 1686—in a letter, by the way, which, for its partizan antagonism to the Proprietors of New Jersey, probably led to his recall by the Duke of York, whose interests he was trying to subserve—and it seems that, in 1665, there are some in 'this Government' equally blind to the distinction between the bay and the river.

Mr. Cochrane also quotes two other documents, one a Report upon the controversy respecting the commercial privileges of the Port of Amboy, in 1697; and the other a letter from an Engineer, who responds to the dictation of his superior by reporting the depth of water 'in the other branch of the Hudson's-river,' called 'the Col,' in 1701—both of a character similar to that of Governor Dongan's letter, intended as assertions of claims, yet unestablished, and about as conclusive, as proofs, as would be the counter assertions of the Governor and Proprietors of East Jersey, or, as the assertions, current, some time since, that the new Police Law of New York was unconstitutional, or the right of a State to secede unquestionable—the Port question having been subsequently settled adversely to the claims of the New York authorities, as the last two opinions have been effectually disposed of contrary to the wishes of those who advocated them.

Mr. Cochrane considers the 'impregnability' of his record evidence confirmed by the 'testimony of the ancient Maps;' but an impartial enquirer will soon have reason to be satisfied that their testimony is of little value.

He says of the celebrated *Carte Figurative*,—(*N. Y. Col. Doc.*, i., 13:)—“However imperfect the delineations, this map represents, unmistakably, the River Mauritius (now Hudson) as “it washes the margin of Manhaten Island, “and, enlarging thence its course to the ocean, “swells into an expansive Bay which encloses “Staten Island, and ultimately passes at ‘Sand punt,’ into the main Sea.”

This is a correct description of the map; and similar delineations, in other maps—the “swelling into an expansive Bay, enclosing Staten Island”—showing as much water on the West side of the island as on the East, afford a clew to the authority upon which some of the writers of the time describe the locality, and account for the opinions entertained, in England, respecting it—the knowledge of most of the parties being derived solely from the imperfect topographical details of these maps. But this very *Carte Figurative*, of date 1616, ignores Mr. Cochrane’s theory, by giving the name of “Sand-bay” to the expanded sheet of water which, he would have us believe, the “accumulating ignorance” of modern times and the “corruptions of the mother tongue” prevent “being called the Bay of the North-river.”

This same title of “Sand-bay,” so applied, will be found also on Jacobsz Map of *Americæ Septentrionalis*, of 1621, in the possession of Dr. O’Callaghan, a *fac-simile* of which will be found in the same volume of the *New York Colonial Documents* that contains the *Carte Figurative*.

The description given by Ogilby (which appeared simultaneously with that of Montanus, from whom Mr. Cochrane quotes through a modern translation,) was evidently based upon the map of *Nova Belgii Quod nunc Novi Jorck vocatur*, contained in his ponderous volume. As it is uncertain whether Montanus copied Ogilby, or Ogilby Montanus, the extract is here given as it appears in the contemporaneous English—“The Manhattans, or Great River, being the chiefest, having with two wide Mouths wash’d the mighty Island Watouwaks, falls into the Ocean. The Southern Mouth is call’d Port May, or Godyn’s Bay. In the middle thereof lies an Island call’d the States Island, and a little higher the Manhattan,” etc.—(*Ogilby’s America*, Edit. folio, 1671, 170.)—Now Ogilby’s map was derived from Vander Donck’s, which places Staten Island in the centre of an expanded bay—having its specific title, it will be observed—forming, what Ogilby calls, the “Southern Mouth” of “the Great River,” the other, or *northern mouth*, being Long Island Sound: “Watouwaks,” or, more properly, *Matowacs* being the designation of Long Island, whose shores were thus washed. Why does

not Mr. Cochrane furnish a new title for Long Island Sound? The testimony of Montanus and Ogilby is as potent and applicable in that direction as in the other.

It will be perceived, therefore, that it is neither philosophical nor wise to base arguments upon descriptions framed from delineations acknowledged by Mr. Cochrane, himself, to be rude and imperfect. If maps of this character are reliable, as evidence, he might claim, with equal propriety, that the Hudson has three mouths; and refer, for proof, to Van der Donck’s map, which makes a stream which is called the “Groote Esopus River,” to connect with the Delaware, affording another outlet for the waters of the Hudson. He might thus have received into its capacious bay not only Staten Island, but the whole of New Jersey, and have quoted authority for it, also; for Wynne, in his history, says West Jersey has an easy communication, “by the river Esopus, “with New York.”

But it is unnecessary to pursue this portion of Mr. Cochrane’s argument further—indeed, in view of one physical fact which will be deduced, presently, it need not have been discussed at all—but, before proceeding, some notice must be taken of his labored endeavor to make the appellation, “Achter Coll,” given to Newark-bay, derive its significance from its lying back, or West, of the bay on the East side of Staten Island, rather than from its relation to what is known as the upper bay or harbor of New York,

The meaning of the word is well understood to be *Behind*, or *Back of, the Bay*; and the bay meant, would seem to be at once made manifest by the inquiry, “Where did the people live who “used the term?” There was a perfect propriety in the dwellers upon Manhattan Island conferring the title upon a sheet of water which lay *behind, or beyond, the bay which intervened between it and them*; but the appellation would have possessed neither significance nor appropriateness, had it been derived from the position of the inner expanse of water with reference to the lower bay, as it did *not* lay back of, nor beyond, that bay, to them, but in an entirely different direction.

It is somewhat remarkable that Mr. Cochrane should quote Mr. Brodhead in support of his views and “to complete” his proofs. That historiographer says (*Page 313*) “‘Achter Cul,’ “or ‘Achter Kol,’ now called ‘Newark-bay,’ “was so named by the Dutch because it was “‘achter’ or ‘behind’ the Great Bay of the “North-river. The passage to the GREAT BAY “was known as the ‘KIL VAN CUL,’ from which “has been derived the present name of ‘the “‘Kills’”—and he quotes Benson as his authority. Both writers evidently intended, by “the

"Great Bay of the North-river," the bay *North* of Staten Island: the "Narrows," *not* "the Kills," being, unquestionably, the passage to the lower bay, which Mr. Cochrane wishes to have considered the "Great Bay."

"Achter Coll," from being first applied to the water, only, gradually, as population spread and settlements began to be formed on the shores of Newark-bay, became the appellation for the land, also, both northward and southward, until the whole of East Jersey would, occasionally, be designated as "Achter Coll;" but the name, under the English rule, was soon lost; and the student of the geography of the State would scarcely recognize, in the name of "Arthur Kull," applied to the Sound between Staten Island and the main, South of Newark-bay, all that is preserved of the original appellation of "Achter Coll." North of the bay and running into New York bay, the stream still retains the appellation conferred at the same early period, the "Kill van Koll," or, more commonly, "the Kills," as stated by Mr. Brodhead.

It is susceptible of demonstration, from documentary evidence, that the specific appellations borne by the waters referred to, are not of modern introduction; are not the result of "corruptions of the Mother tongue;" have not originated through "accumulating ignorance" nor through any nefarious "design" to absorb the Hudson; but are simply appropriate titles which the physical configuration and position of the localities have rendered necessary. They date back, for the most part—and particularly is it the case with the nomenclature of the waters West of Staten Island—to times anterior to the transfer of New Netherland to the English; and it is safe to affirm, that no one acquainted with the localities would venture to express the opinion that such a specific nomenclature should give place to the general appellation of "Hudson's-river;" for, as has been intimated, already, if it had not been thought advisable to show how little foundation there was for Mr Cochrane's theory, even as presented with his chosen authorities, the statement of one single physical fact would have sufficed to refute his arguments,

Mr Cochrane is a military as well as a legal General. Let it be supposed that, with the skillfully trained eye of an experienced commander, he has selected a bold and adventurous detachment from among the watery hosts of the Hudson; and, having placed himself at its head, he floats off, with a strong ebb tide, on an expedition to the ocean, by the way of the new mouth of the river that he has discovered. On approaching "the Kills," his detachment is confronted and most unceremoniously jostled, turned around, impeded, and opposed, by a con-

course of watery particles, very similar to those composing his more regular organization, but pursuing a directly contrary course. On inquiring into the cause of this rough treatment, the General is informed that he has wandered beyond the lines of the hosts of the Hudson, and is in collision with the advanced guard of the conjoined forces of the Passaic and the Hackensack, coming from the Blue Hills of New Jersey, and proceeding, with all speed and irresistible velocity, to a general rendezvous, at Sandy Hook.

Finding all endeavors at progress, in that direction, useless, the North corner of the new mouth being effectually closed against him, the General proceeds, we will suppose, to execute a flank movement—if he cannot get in at the North, he may through the South corner—so falling in with the advancing columns of the Passaic and Hackensack, he takes his detachment with them into the lower bay, and, watching his opportunity, he joins some returning Battalions wending their way, westward, toward the southern end of Staten Island. By skilful management, he prevents any of his force from being sent off with a scouting party up the Raritan, and is congratulating himself that, by continuing with the main body, proceeding northward, through the Sound, he is making rapid progress up the Hudson, when, lo! he finds that he and his detachment are being moved bodily to the westward into Achter Coll-bay. Again he resorts to strategy. Succeeding in getting off the direct line of progress, he stealthily conducts his detachment, to the right, into slack water, and moves onward, for awhile. Soon, however, is he interrupted and opposed by an overwhelming force that ridicules any attempt by his puny detachment to advance in that direction; and he finds himself and his command absorbed and carried off, to rejoin the column they had sought to escape from—victims to the grasping propensities of New Jersey.

Did General Cochrane ever know of a mouth of a river through which *some portion* of its stream did not run in one continuous ebb and flow of tide? But what the tides of "the Kills," "the Sound," and "Raritan-bay" refuse to do for the Hudson, they do, regularly, each and every day, for the Passaic and the Hackensack; in other words, "the Kills" is the northern mouth of those rivers, emptying into New York-bay, as Benson and Brodhead say: "the Sound" is their southern mouth, emptying into Raritan-bay. Would General Cochrane have announced to the New York Historical Society that "the waters of the Hudson, in their seaward current, debouch through both the Narrows and the "Kills;" or that the "Hudson-river empties itself, through its two mouths, the Narrows and

the Kills, "into the Bay of New York?"—would he have thought it necessary to prepare his elaborate paper—had he known that *not a drop of the waters of the Hudson flows through the passage between Staten Island and the main?*

With this fact established, beyond controversy, that no waters of the Hudson ever "lave the Staten Island shores," on the West, this Review might close; but a sense of what is due to truth and history prompts some reference to, and comment upon, the nature of the impeachment of New Jersey, before the public, thus made by the Attorney-general of her sister State of New York, and the manner in which she has been arraigned.

Mr. Cochrane says, "The efforts of New Jersey, to neutralize the commercial advantages of New York and to promote her own aggrandizement, are notorious;" that "recklessness and persistence" have characterized the prosecution of her "avaricious desires;" that, "carved, surreptitiously, from the side of New York, under the opiates of one, Captain John Scott, artfully discharged upon the drowsed senses of James, Duke of York, from the hour of her separation to the present, she has formed her national life to the rugged career of incessant competition with her parent State;" and is eloquent in the use of expletives such as the "encroachments," "pretensions," "preposterous claims," etc., of New Jersey, exhibiting feelings of irritability and hostility towards the State, which, considering his official position, comity alone should have led him to restrain. Let these accusations receive a brief examination.

The right of James, Duke of York, as Grantee of his brother, Charles II., to convey to others that part of his domain now constituting New Jersey, does not seem to be questioned; and the intimate relations known to have existed between him and those to whom he disposed of it—(See *Perr's Diary and Correspondence*)—warrants the assertion that the conveyance was intended to be full and complete, according to its tenor, whither "surreptitiously" obtained or not. He was dealing with personal friends, and not striving to outwit strangers, by only keeping "the word of promise to the ear;" and fully expected that the territory he described, with all its advantages and privileges, would pass into their quiet possession. His subsequent acts clearly prove this; for on the twenty-third of November, 1672, more than eight years after the Grant, in a letter to his Governor, Lovelace; on the twenty-ninth of July, 1674, in a new Grant to Sir George Carteret, in severalty; in another, on the tenth of October, 1680, to Sir George's grandson and heir; and, on the fourteenth of March, 1682, in still another Grant to the twenty-four proprietaries,

did he reaffirm, in the most emphatic manner the rights, powers, and privileges originally conveyed. Mr. Brodhead is of the opinion that, although the same words of conveyance were used in all these documents, they cannot be assumed as covering Staten Island, because Governor Nicolls, writing to Lovelace, in 1669, informs him that "Staten Island is adjudged to belong to New York;" but the well-understood sentiments of Nicolls, in relation to the transfer of any part of New Jersey to Berkley and Carteret, render it very necessary to know *by whom* it was so "adjudged"—it was not, certainly, by any legal tribunal, or the question of title would, thereafter, have been definitely settled; but if "We of this Government," as Dongan expressed himself, were the only arbiters, it is not surprising that the decision should have failed to meet with general acceptance. It cannot be fairly presumed that such a curtailment of the original limits of his Grant should have been "adjudged," by James; and nothing appear on the face of his subsequent Grants to indicate any intention to change the boundaries—Grants made long after the "opiates of one, Captain John Scott" must have lost their effect.

These boundaries were so explicit, that it is surprising there should have been any difference of opinion about them. It will do no harm to reproduce them here, inasmuch as they are only given in part by Mr. Cochrane:

"All that tract of land adjacent to New England and lying and being to the westward of Long Island and Manhattan Island, and bounded, on the East, part by the main sea and part by Hudson River, and hath, upon the West, Delaware Bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware Bay; and to the northward as far as the northernmost branch of the said Bay or River of Delaware, which is in forty-one degrees and forty minutes of Latitude, and crosseth over, thence, in a straight line, to Hudson's River, in forty-one degrees of Latitude, which said tract of land is hereafter to be called by the name or names of New Cæsarea or New Jersey."

Could language be used more definite? On the East, a river and the ocean; on the West and South, a river and a bay; on the North, a straight line extending, from a point in 41 deg. 40 min. N. L., on one river, to a point in 41 deg. N. L., on the other. Yet, it seems, the attempts of New Jersey to retain what was so clearly, in word and intention, conveyed to her, is characterized by Mr. Cochrane as indicating an avaricious and grasping spirit. Let a map of the States of New Jersey and New York be ex-

amined, and it will be found that the North partition point in their boundary is neither at the "northernmost branch of the Delaware" nor "in 41 deg. and 40 min. of Latitude" but at 41 deg. 21 min. 37 sec.—nearly twenty miles of Latitude South of where it should be—causing about two hundred thousand acres of the soil of grasping New Jersey to lie on the New York side of the line; and had the wishes, aims and projects of the latter *entirely* succeeded, the line would have been still further South.

It would be impossible to compress, within reasonable limits, the particulars of the negotiations that led to this result: if the details are desired, they can be found in the eighth volume of the *Proceedings of the New Jersey Historical Society*. No one can give them an impartial examination without being satisfied that, if there were any "avaricious desires" exhibited through the long period during which the controversy lasted, it was *not* on the part of *New Jersey*.

Let the same map be looked at with reference to the eastern boundary. A stranger examining its details, with the view of locating the lines named in the Grant from James, would, most naturally, suppose that Staten Island—being part of the land westward and southward of Long Island and Manhattan Island—belonged to New Jersey; and it may be admissible here, although it has not been intended, in this review, to touch upon any legal points or technicalities, to draw attention to a passage from the argument of the New Jersey Commissioners, in 1828, showing what should be the effect of a literal carrying out of the peculiar phraseology of the Grant:

"Hudson-river and all the dividing waters are notoriously to the westward of Long Island and Manhattan Island, and, therefore, within the descriptive words of the Grant. The land to the westward of these islands passed by express words. This term [*land*] is of great extent, in its legal operation, including all above and all below the soil, and, therefore, embraces all the lands, westward, covered by water. Unless the words describing the land granted are rejected, *New Jersey must begin where those islands end*. Nor ought they be departed from, in favor of the Grantor, because he has added a general boundary, calculated to make it vague and uncertain. If a conflict exists between a particular description and a general boundary, the latter ought to yield to the former, for it is an established rule, in the construction of deeds, that if the Grantee's words are sufficient to ascertain the lands intended to be conveyed, *they shall pass*, although they do not correspond to some of the particulars

"of the description. Then, as no doubt can exist of the intention to pass all the lands, to the West of these two islands, the additional description, which makes the eastern boundary to be the main sea and the Hudson, ought not to lessen or impair the benefits of the Grant in favor of the Grantor, and against the Grantees."

How does it happen then, that New Jersey, with all her avaricious and aggrandizing tendencies, should have failed to secure the possession of Staten Island?

A student of our Provincial history needs not to be informed of the opposition made by Nicolls, whom the Duke of York had appointed Governor of all his possessions in America, to the transfer of New Jersey to Berkley and Carteret: it has already been adverted to. Before he was aware of the transfer, he had exercised authority over the tract and bestowed Grants upon persons intending settlements at Elizabethtown and in Monmouth-county; and it was not calculated to add to his amiability or courtesy towards the Proprietors' Governor, Philip Carteret, who arrived in 1665, to have those Grants very summarily nullified by his superior. Carteret's attention being engrossed by the weighty cares and responsibilities incident to his peculiar position in a new land, among strangers, and few, if any, trusty advisers, all expedients and measures for peopling and governing the Province, untried, is it not surprising that questions concerning boundaries or territorial rights, should, for a while, have been left untouched. It is not to be supposed, however, that, because, as Mr. Cochrane states, he has failed to discover any "recorded evidence" of the "initiation of New Jersey's enterprising encroachments" upon Staten Island, prior to 1681, that her right thereto was not previously thought of and asserted. It is susceptible of proof that acts of jurisdiction were performed by New Jersey, prior to that date, not only upon the island, but over the surrounding waters, in issuing Patents and establishing ferries—one ferry, between Communipau and New York, was *licensed*, as early as 1669, by Governor Carteret; and another was established between Bergen, Communipau, and New York, in 1678.—Mr. Cochrane has discovered an *application* made to the New York authorities for the establishment of one, in 1750, nearly a century later; and considers that a proof of jurisdiction over the waters being ascribed to that Province. Will he accord equal sufficiency to the prior cases, in New Jersey?

But as many of the inhabitants of the city of New York, both Dutch and English, had their plantations on Staten Island, their relations had been and continued to be altogether with

that place and Government; and, of course, the authority of the functionaries of New York became more firmly established with each passing year. Yet there are not wanting, evidences of a conviction, in the minds of some of the first men of that Province, that Staten Island had passed from under their control. Thus, in 1668, Samuel Mavericke, one of the King's Commissioners, in a letter to Secretary Arlington, says, plainly—when objecting to the transfer of New Jersey to Berkley and Carteret:—"The Duke hath left of his Patent *nothing to the West of New York*. * * Long Island is "very poor and miserable and beside the city "there are but two Dutch townes more, Sopus "and Albany." Staten Island was too important a settlement to have been left out of this summary, had it been regarded as yet a part of New York. If no doubt was entertained, how comes it that, as the *Winthrop Papers* show, Nicolls should think it of interest to announce that the island had been "adjudged to New York?"

It will be remembered, also, that negotiations were on foot for an exchange of New Jersey for other possessions on the Delaware; and that the exchange was thought, at one time, to have been perfected. This, of course, would repress any formal attempts, by Governor Carteret, to possess himself of the island: and, shortly after, came the Dutch to reconquer the country and unsettle the relations between the people and the Government. So that the point made by Mr. Cochrane, of the postponement of the "enterprising encroachments" of New Jersey, until 1681, if well taken, is susceptible of explanations showing it to have been perfectly consistent with an unshaken belief in the sufficiency of New Jersey's claim.

The repeated confirmations of the original boundaries, by the Duke, have already been adverted to. They cannot be otherwise considered than as virtual rebukes of the aggressive disposition of his Governors, and established, beyond doubt, his own intention to concede all his rights within those bounds; for, although his Secretary, Werden, at one time expressed some doubt as to whether the successors of Sir George Carteret ("for whom the Duke hath "much esteeme and regard") would receive from him equal favor, yet we find the same Secretary, as late as November, 1680, writing that his Royal Highness had been pleased "to "confirm and release to the Proprietors of "both Moities of New Jersey all their and his "Right to *any Thing*, besides the Rent reserved, "which heretofore may have been doubtful, "whether as to Government or to Publick duties, "in or from the places within their Grants." Is it at all surprising that, with such documents in their possession, the Proprietors should have

contested the occupancy of Staten Island by New York? or that, from that time to the year 1833, New Jersey should have consistently asserted the superior validity of her claim? Should her course, in doing so, without any resort to ultra measures to enforce it, bring upon her, contumely and unwarrantable aspersions?

Notwithstanding all the proceedings of New York calculated to exasperate her people—the forcible arrest and abduction of her citizens from her own soil, even from the very wharves of Jersey City, under processes from New York Courts—the neglect often shown to the appeals of New Jersey for some action that might lead to a settlement of the controversy—even actual insults, most pointedly evinced by the passage of an Act by one of the Legislative houses, in 1827, *at the very time when Commissioners were in session, at Albany, discussing terms of compromise*, which declared the boundary of New York to extend to low water mark, along the whole of the New Jersey shore—notwithstanding all these acts of attempted or successful aggression, New Jersey has ever shown, *not* an avaricious, but a conciliatory and liberal spirit never more clearly shown than in the terms she finally acceded to, by which she relinquished Staten Island and other possessions, in order that she might rescue her rights in the adjoining waters from the *absorbing tendencies* of New York.

One other topic is presented by Mr. Cochrane, which must be noticed before this *Review* of his remarkable paper is brought to a close. It is intimated, therein, that the determination of New Jersey's claims "will doubtless require the "ultimate decision of the Supreme Court of "the United States."

The Supreme Court of the United States has never before, probably, been held in *terrorem* over New Jersey. Asserting no claim not founded in right, asking nothing she might not reasonably expect to be granted, and ever ready to make all proper concessions for the preservation of peace and promotion of harmony, the decisions of the Supreme Court have rather been sought, than avoided, in all controverted cases, as likely to bring with them satisfactory results. This disposition has been remarkably evinced in the progress of the discussions with New York, respecting boundaries.

Who proposed, in 1818, the appointment of Commissioners to prepare a statement of facts, relative to the controversy, to be submitted to the Supreme Court for its decision? New Jersey! By whom was the proposition left, not only unresponded to, but *unnoticed*? New York! Who was it that, in 1828, declined to recommend a reference of the matter to the

Supreme Court, as suggested by the Commissioners of New Jersey? The Commissioners of New York! What, eventually, was the principal inducement New York had for the appointment of the Commissioners who agreed upon the terms of settlement, in 1833? The commencement of a suit, in the Supreme Court, with the view of having the just claims of New Jersey established! The fact is indisputable, that the unwillingness to bring the matters at issue to a judicial decision has all been on the part of New York. Why then, after New Jersey has thus fairly manifested her desire to abide by the decisions of the tribunal of last resort, does the Attorney-general of New York think it necessary to threaten her, therewith? Why, after more than thirty years acquiescence in, and, it is believed, cordial coöperation on the part of both States to carry out, the terms of the agreement entered into, in 1833, is it now thought becoming for so prominent an officer of the State of New York to call in question, in so public a manner, the propriety of that agreement, if not, indeed, its binding force? Doubtless, if Benjamin F. Butler, or Peter Augustus Jay, or Henry Seymour were living, the Historical Society of New York might have it demonstrated that, as Commissioners of New York, they did not assent, in that agreement, to anything which "trafficked" away "the interests of the State," or "compromised" them, by relinquishing a moiety of the un-"questioned rights of New York." It is no part of the writer of this *Review* to vindicate them: that must be left to others.

The agreement of 1833 was intended to be perpetual, every formality being observed calculated to give it a duration commensurate with the existence of the States themselves—having been confirmed by the Legislatures of both, and sanctioned by a special law of Congress, "made in pursuance of the Constitution," and, consequently, of supreme authority, "anything" "in the Constitution or Laws of any State to the contrary notwithstanding." Is it at all probable that the Supreme Court could, if it would, or would, if it could, set aside an agreement they made and they ratified? Surely, any attempt to disturb the amicable relations existing between the two States, by suggestions of the kind put forth by Mr. Cochrane, cannot but be considered impolitic, unjust, and unwarranted by any circumstances of the time.

Enough has been said to show how erroneous, in all respects, are the views the gentleman has promulgated in consequence of his misconception of the true topography of the district under discussion. Technicalities of law have not been touched upon, as their discussion entered not into the intentions of the writer;

but, had the claims of New Jersey been submitted, as she desired, to the decision of the Supreme Court, the results would, probably, have been more favorable for her interests.

The length of this *Review* precludes any discussion of the terms of the agreement of 1833—4, fixing the boundaries, as they now are. Although so inconsiderately denounced by Mr. Cochrane, they will be found, on examination, to have been framed in a spirit of anxious solicitude to put an end, forever, to the disputes between the two States, the concessions being, for the most part, made by New Jersey; and it is hoped that, neither by word nor deed, may the good understanding, then arrived at, be disturbed.

W. A. W.

NEWARK, NEW JERSEY, August, 1865.

NOTE—The views expressed in the foregoing *Review*, at variance with the opinion of Mr. Brodhead—that the Grant, by the Duke of York, to the twenty-four Proprietors of East Jersey, in 1682, although repeating the original boundaries, should not be considered as including Staten Island, because, in the intermediate time, Nicolls announced that the island had, by some one, been "adjudged to New York," despite those boundaries,—are fully sustained by the proceedings of a Council, held at "Fort James, Feb. 16, 1683-4," called, apparently, for the express purpose of considering the limits of that Grant, and by subsequent circumstances growing thereout—(*New York Minutes of Council, Liber 1683-88*.)

At that Council, Mr. Recorder, afterwards Attorney-general, Grahame, said, "he believed 'in that clause, 'whole intire premises,' [conveyed by the previous Grant to Berkeley and Carteret,]" "was to be understood only the intire tract of land, and the other clause, 'as far as in him lyeth,' made a doubt whether 'the Duke had authority so far:' and, while in doubt, it was suggested that a Remonstrance should be sent to his Royal Highness, showing the "inconvenience of suffering East New Jersey to come up the river." The question involved was evidently the extending of East New Jersey to come "up the river," opposite Manhattan Island. No doubts seemed to have been entertained as to the effect of the Grant upon Staten Island and surrounding waters; for the Duke, as if to set at rest all questions growing out of the formerly-expressed boundaries, not only repeated them and conveyed the eastern moiety of "the whole intire premises," but added, "TOGETHER WITH ALL ISLANDS, BAYS, &c.," words not in the original Grant; and inserted the further significant clause "As also the free Use of all Bays, Rivers and Waters, leading into, or lying between the said

"Premises, or any of them, in the said Parts
"of East New Jersey, for Navigation, free
"Trade, Fishing, or otherwise."

That these words were considered by the Council as covering Staten Island and its waters, is conclusive from the fact that Captain John Palmer, the largest holder of lands on Staten Island, under New York Grants—one of the Council subsequently, and *present at the meeting referred to*, by invitation of the Governor—not esteeming his property there safe without a title from the Proprietors of East Jersey, *immediately thereafter applied to them for Patents, and, on the twenty-sixth of May following, obtained them for seven tracts of land, covering in all four thousand, five hundred acres.*

The letter also of the Earl of Perth and his associates, dated the twenty-second of August, 1684, written in consequence of the proceedings of this Council, states, expressly, "We Doubt
"not both the Duke, and they" [*this Commissioners*] "are fully convinced of our right in
"everie Respect, Both of Gouverment, Ports,
"and Harbours, free trade and Navigation, and
"having spoke to the Duke, wee found him verie
"just, and to abhorre the thought of allow-
"ing any thing to be done contrary to what he
"hath passed under his hand and seall."

It may be, therefore, safely asserted that no idea was entertained by the Duke of York of deviating from the strict letter of the Grants, *by which Staten Island must be considered as having been adjudged to New Jersey, not only before Nicolls's letter was written, but as in the last instance noted, more explicitly still, thirteen years thereafter, in the most authoritative and legal manner.*

III.—EXPLORATIONS OF THE NORTH- WEST COAST OF THE UNITED STATES.

REPORT ON THE CLAIMS OF THE HEIRS OF CAP- TAINS KENDRICK AND GRAY.

[The history of the earliest explorations, discoveries, and purchases of the Indian titles on the North-west coast of North America is most concisely given in the following Report, presented to the Senate of the United States by a Senator from Michigan, ex-Governor Felch, in the First Session of the Thirty-second Congress. References are therein made to other Reports, made at other Sessions, which are printed in the volumes of Senate Documents.]

The heirs of the enterprising merchants of Boston who projected those early voyages of discovery and commerce, and the widow of Captain Gray, who discovered and entered the mouth of the Columbia-river, have repeatedly petitioned Congress for some remuneration for the heavy expenditures and losses incurred in those voyages which brought so much honor to the country and such large acquisitions of valuable territory. The several Committees, to whom these Memorials were referred, brought in their favorable Reports, accompanied with Bills, none of which have progressed to their passage before the adjournment of the several Congresses

which had considered the subject; and nothing remains, as a recompense for the outlay and the purchased territory of the enterprising discoverers and of those who sent them out, but the empty honor which this Report and other similar papers secure to them.

Among those who most earnestly supported the just claims for remuneration of those who thus memorialized the Congress was the distinguished President of the Massachusetts Historical Society, Hon. Robert C. Winthrop.—[EDITOR HISTORICAL MAGAZINE.]

Mr. Felch made the following Report, (to accompany bill S. No. 526.—The Committee to whom was referred the Memorial of George Barrell and S. V. S. Wilder, in behalf of themselves and other heirs of the owners of the ship *Columbia* and sloop *Washington*, and the heirs of Captain John Kendrick, and Martha Gray, widow of Captain Robert Gray, praying the confirmation of their title to certain lands purchased of the Indian tribes, in 1791, on the Northwest coast of America; or such compensation as Congress shall deem just and proper for their explorations and discoveries in those regions, have had the same under consideration and make the following Report:

The memorialists represent, that, in the year 1787, a voyage of discovery and mercantile adventure was planned and undertaken by Joseph Barrell, Samuel Brown, Charles Bulfinch, John Derby, Crowell Hatch and John M. Pintard, who fitted out and despatched two vessels from the port of Boston, Massachusetts, to the Northwest coast of America—the one a ship, called the *Columbia*, commanded by Captain John Kendrick, and the other a sloop, called the *Washington*, commanded by Captain Robert Gray—which was the first voyage ever undertaken by citizens of the United States to the Northwest portion of this Continent; that so remarkable was the expedition considered, at that day, that medals, both of silver and copper, were struck, bearing on one side the representation of the vessels, encircled by their names, and, on the other, the names of the owners, with the date; that these vessels sailed from Boston on the first of October, 1787, and arrived at Nootka-sound, in the month of September, 1788; that they continued on the coast until the Summer of 1789, when Captain Gray re-discovered the Straits of St. Juan de Fuca, which he penetrated and explored before any English vessel had ever sailed upon its waters; that, on the third of July, 1789, they exchanged masters—Captain Gray, taking command of the *Columbia*, returned home; that, on the twenty-seventh of September, 1790, he sailed on a second voyage and cruised upon the Northwest coast till September, 1791, when he returned to Olyquot, for winter-quarters; when in the village of Clicksclocutsee, twelve miles from the sea, he built a fort, and called it "Fort Defiance," which he mounted with

four cannon, supplying it with other munitions of war, and placing it under the command of a Mr. Haswell; that he there built a vessel of forty tons, called the *Adventurer*; that, in March, 1792, Captain Gray left Olyquot, to explore the coast, southward, and, on the eleventh day of May, in the same year, he discovered and entered the mouth of a large river, which, to this day, bears the name of the ship *Columbia*, which first ascended its waters, and thus perpetuates the memory of the original discovery; that Captain Gray sailed fourteen miles up this river, and, with the officers and marines of the ships, landed on its northerly bank, raised the American flag, and took possession of the country, in the name of the United States; that he continued in this river until the twenty-first of May, exploring its channels and trading with the natives; and that he named the two capes, at the entrance of the river, "Hancock" and "Adams." The memorialists further represent that Captain Kendrick remained on the coast, with the sloop *Washington*, and, in the Winter of 1789, he erected "Fort Washington" at Mauriana, in Nootka-sound; that, in 1790, he explored the whole extent of the Straits of De Fuca; that, in the Summer of 1791, he purchased of the native Chiefs, for the benefit of the owners, extensive tracts of land, and took formal possession of them, having obtained deeds for the same, embracing all the lands, rivers, creeks, islands, etc., with all the minerals, etc., from the Chief of the native tribe, who duly executed the same, attested by thirteen witnesses; and that copies of several of these deeds, with a full explanation of the transaction, in a letter from Captain J. Kendrick, addressed to the Hon. Thomas Jefferson, Secretary of State, are in the Department of State, and the affidavits of several early navigators, in further evidence of said purchases, are upon the files of the honorable House of Representatives.

The memorialists urge that, from these discoveries, explorations, purchases, and taking possession, with a claim of title which was recognized by Spain and by early English authorities, the United States Government founded their claim to be endowed with the strongest rights to the possession of the territories on the Northwest coast; and that immense benefits have resulted therefrom, and many millions of acres been added to our national domain. They further represent, that, from the unforeseen disasters attending so new and remote an enterprise, the projectors were subjected to great expenses and an entire loss of their investments. Captain Kendrick lost his life in an accidental discharge of a salute; the vessel and cargo of furs were subsequently lost on the coast of China; the original owners have now

all deceased; and their numerous heirs and representatives are dispersed throughout the States, and some of them, in advanced age, without adequate means of support; that several similar applications have been heretofore made, but, until the settlement of the question of division and boundary, with Great Britain, every application has been fruitless. They ask, in behalf of the heirs of the owners, the heirs of Captain John Kendrick, and the widow of Captain Robert Gray, that their title to the lands purchased on the Northwest coast, in 1791, may be confirmed, and for some reasonable remuneration, in land or money, for the benefits which have ensued to the United States, from their enterprise and discoveries.

Accompanying the Memorial, and in proof of the facts therein set forth, are several *original* books, maps, letters and other documents, which furnish the most conclusive proof of the foregoing facts. Copies of some of them, with extracts from others, your Committee append hereunto, and make part of this Report.

From the *Historical and Political Memoir on the Northwest Coast of America*, by Robert Greenhow, Translator and Librarian to the Department of State, published as Senate Document, No. 174, Twenty-sixth Congress, First Session, it appears that the Spaniards were the first discoverers of that coast; that, previous to 1774, they had examined the coast, as far North as the forty-third degree of Latitude, and the Russians, sailing eastward, across the Pacific, from their dominions in Asia, had discovered land southerly as far as the fifty-fifth degree of Latitude. In 1774, the Spaniards attempted to explore from the forty-third to the sixtieth degree; but the Spanish Government carefully concealed all information respecting these explorations, till 1802, when a meagre account of them was printed, in an introductory essay to the narrative of the voyage of the schooners *Sutil* and *Mexicana*, at Madrid.

In 1775, the Viceroy of Mexico ordered that another expedition should be sent out, for the purpose of examining the coast; and the *Santiago* and the *Sonora* were sent forth. The Journal of Maurelle, the Pilot of the latter, was published in London, in 1782. On the fourteenth of August, 1775, Heceta, the commander of the *Santiago*, while sailing along the coast, discovered a promontory, called by him, *Cape San Roque*, and, immediately South of it, in Latitude 46° 16', an opening in the land which appeared to be a harbor.

This opening, Greenhow thinks to have been the mouth of the Columbia-river, thus first beheld by the native of a civilized country. In March, 1778, Captain Cook, the English navigator arrived on the coast, who passed the

mouth of the Columbia, unnoticed, and first saw land a little beyond the forty-eighth parallel, to which he gave the name of Cape Flattery. The coast was carefully examined, in search of the Strait through which the Greek pilot, Juan de Fuca, was said to have sailed from the Pacific to the Atlantic, in 1592; and Cook declared that no such passage existed. Passing the Strait, unnoticed, he sailed along the shore of the island, which he supposed to be the Continent, as far as Latitude 49° 33' where he found a bay, in which he anchored, calling it King George's-sound, but afterwards Nootka-sound, which he believed to be its Indian designation.—(See Kerr's *Collection of Voyages*, Cook, Clark and Gove, Vol. xvi, Chap. iii., Sec. 13, et seq.)

In 1785, a small English brig crossed from Canton to Nootka-sound, from which she returned with a valuable cargo of furs; and, in 1786 and the following years, vessels were also sent, direct from England, by an association of merchants, called the King George's-sound Company, and also by the Portuguese and Russians, for the purpose of engaging in the fur-trade.

The report of the success of the early voyages, in pursuit of furs, excited that spirit of enterprise so characteristic of the American merchants; and we find that, early in the year 1787, Joseph Barrell, an enterprising merchant of Boston, planned a voyage of discovery and mercantile adventure to this, then unknown, portion of the American Continent. The original plan of this voyage is in the hands of your Committee. It is in a manuscript book entitled *Annotations on Business*, by J. Barrell. It contains a minute detail and estimate of the anticipated expedition; the probable profits to be made; the plans to be adopted; and the steps taken to ensure success.

To show that the projectors of this great enterprise had nobler objects in view than mere private gains, we have only to quote the concluding paragraph of these proposals: "From the preceding statements, it must appear obvious how very favorable such a trade would be to the United States of America, as well as to individuals, for, in case of success, a very valuable property would be brought into the country from a trifling advance, and in a short time establish a trade superior to any the country enjoys at present; and the idea may, with propriety, be extended to an establishment in that country at least equal to what Hudson's-bay is to Great Britain."

That a voyage of discovery was likewise intended, is apparent from another paragraph, which we quote: "But, in case the fur-trade does not answer, at Nootka, then to proceed along the coast, to the northward, examining

"the same, in the most attentive manner, for bays, rivers, or harbors, suitable for trade, between Nootka and Prince William's-sound, in Latitude 60° 19' North, Longitude 213° 7' East, as between those two places the coast was not explored by Captain Cook or any former navigator."

In the fulfilment of this design, the ship *Columbia*, of over two hundred tons burden, and the sloop *Washington*, of about ninety tons, were procured, the former in command of Captain John Kendrick, and the latter under Captain Robert Gray.

Your Committee find in this manuscript book of Mr. Barrell, who was the originator and master-spirit of this enterprise, the original letter of instructions, entitled, *Orders given Captain John Kendrick, of the ship Columbia, for a voyage to the Pacific ocean*, which are referred to as exhibiting the designs and purposes of the projectors of the voyage; and extracts therefrom are appended to this Report. (A.)

The ledger of the owners, which is also before your Committee, gives their names, and shows the items and value of the invoice. These vessels, thus fitted out, sailed from Boston, in October, 1787, to accomplish their destiny and to carry the American flag to a sea over which it had, then, never swept, and the American name to a land where it had not, then, been heard. That sea is now white with the sails that float in security, under that flag; and that country, thus discovered and first visited by these daring adventurers, is now a part of the American Union; solicits the protection of our Constitution and our Laws; is represented, by its Delegate, upon the floor of our Congress and will, certainly, before long, seek admission as a sovereign State of this Republic.

The memorialists state that the sloop *Washington* entered and explored the Straits of De Fuca. This is admitted by the English navigator, Meares, in whose book of voyage to the Northwest coast, "published in London, 1790, are several maps having dotted lines round the island now called Vancouver's, representing a sketch of the supposed track of the American sloop *Washington*, in the Autumn of 1789." The Commissioners of the British Admiralty, in their Orders and Instructions to Captain Vancouver, dated the twentieth of August, 1791, give additional testimony to the fact: (See Voyage, i. 62), "You are therefore hereby required and directed to pay particular attention to the examination of the supposed straits of Juan de Fuca, said to be situated between 48° and 49° North Latitude, and to lead to an opening through which the sloop *Washington* is reported to have passed, in 1789."

The memorialists further represent that Captain Kendrick, in the year 1791, while on the coast, purchased several extensive tracts of land, of the native Chiefs, for the benefit of the owners of the *Washington*; that he took proper deeds for the same, duly executed and attested; and that copies of some of these deeds, with the letter enclosing them, addressed by Captain Kendrick to the honorable the Secretary of State, are on file in the State Department. Certified copies of the papers referred to, are hereto appended. (B.)

The affidavits of several early navigators, in further evidence of these purchases, are also appended. (C.)

We have already referred to the orders given to Captain Kendrick by the owners. By them, he was instructed to be sure to purchase the soil of the natives, in case he made any improvements, and that it would not be amiss, if he purchased some advantageous tract of land, in the name of the owners; and that the instrument of conveyance should bear every authentic mark the circumstance would admit of. It was under this authority, that Kendrick, from the stores of the *Washington*, as fitted out by the owners, paid these Chiefs, in articles of merchandise of which they were in need, and which were then of great value to them, as is expressed in the consideration-clause of some of the deeds.

Several original letters are filed with the Memorial. Captain Kendrick writes to J. Barrell, dated Macao, the twenty-eighth of March, 1792: "In my last voyage, I purchased of the natives, five tracts of land; and copies of the deeds which were signed shall be sent you the first opportunity."

To this, Mr. Barrell replies, under date of Boston, the second of January, 1793: "The copies of the deeds of the lands you have purchased are not yet at hand. I hope to receive them by next conveyance from you. At present, they appear to be of little value; but, in some future time, they may possibly be worth possessing."

In the dispute, in 1792, between Quadra, the Spanish Governor, and Captain Vancouver, respecting the possession of the building and spot of land said to belong to a British subject, Quadra applied to Captains Ingraham and Gray for a statement of the transactions on the Northwest coast. Their written reply bears date Nootka-sound, the third of August, 1792, and they say: "As to the land Mr. Meares said he purchased of Maquinnah or any other Chief, we cannot say further than that we never heard of any, although we remained among these people nine months and could converse with them perfectly well; besides this, we have asked Maquinnah and other

"Chiefs, since our late arrival, if Captain Meares ever purchased any land in Nootka-sound; they answered 'No, that Captain Kendrick was the only man to whom they had ever sold any land.'"

This is the testimony of two respectable men, with no interest in the purchases and no motive to falsify the truth, given within one year after the purchases.—(See Vancouver's *Voyage*, xxi., 345, 346; Greenhow's *Memoir*, 214.)

For an account of the dispute between Great Britain and Spain, relating to Nootka-sound, see Wheaton's *Elements of International Law*, Part ii, Chapter 4; also, Twiss on the *Oregon question*, London, 1846.

In this controversy, both the British and Spanish nations recognized the right which an individual had, at that time, to purchase the lands of the Indian Chiefs. It was claimed that the purchase of Meares, an Englishman, conferred upon the British Government the right of sovereignty. The fact of any purchase being made by Meares was contested; and it was fully proved that the Chiefs never sold any lands to Meares or to any other person than Captain Kendrick, whom they acknowledged to be the proprietor.

Mr. Robert Duffie, the Supercargo of a Portuguese vessel, being requested by Vancouver to give his testimony respecting the Nootka-sound difficulties, between England and Spain, says: "That, in July, 1789, he found the tents and houses of some of the people belonging to the *Columbia*, commanded by Mr. John Kendrick, under the flag and protection of the United States of America."—(See Vancouver's *Voyage*, i., 405.)

In the Department of State, are four manuscript volumes of the Journal of Captain Joseph Ingraham, of his voyage, in the brig *Hope*, from Boston to the Northwest coast, in 1790. These were purchased by the late Mr. Adams, when Secretary of State, for preservation in this Department. This is the same Ingraham mentioned by Vancouver as uniting with Captain Gray in a written statement to the Spanish Senor Quadra, in which they stated that the Indians denied that they ever sold lands to any person except Captain Kendrick. Their correspondence is inserted in Ingraham's Journal, iv., 185.

Again, on page 199, Ingraham writes, under date September, 1792: "Since the business between Senor Quadra and Captain Vancouver terminated, Maquinnah has executed to the Spaniards a deed of gift, accompanied by a declaration that he never sold any land whatever to Mr. Meares or any other person except Captain Kendrick, whom he acknowledged to be the proprietor of lands round

"Mahwinna; Captain Magie and Mr. Howard witnessed this deed and declaration."

This corroborates Captain Kendrick's letter to Mr. Jefferson, then Secretary of State, enclosing the copies of the five deeds, that his lands were expressly excepted in a conveyance made of the lands adjacent to and surrounding Nootka-sound, in September, to Senor Quadra; and that the Spanish crown, by accepting the conveyance with this reservation, allowed his to be a prior and valid purchase.

On Page 188, Volume iv., speaking of Maquinna and other Chiefs, Ingraham says: "Every one of them inquires after Captain Kendrick, saying they had plenty of skins for him; and they would not sell them to any one else. This they told us, in Kyaquot, Latitude fifty degrees North. Indeed, they all seemed very fond of Captain Kendrick, for he had treated them with great kindness."

The witness, John Cruft, whose affidavit is filed with the Memorial and appended hereunto, is mentioned by Captain Ingraham, Volume i, Page 46, where he speaks of "Mr. Cruft, my first officer;" and also in Volume ii, Page 80, "the cove I named 'Cruft's-cove,' after my chief officer."

The witness, John Young, is identified by Ingraham, Volume iv, Page 208. See also Irving's *Astoria*, Volume i, Chapter vi, Page 71; Jarvis's *Sandwich Islands*, Chapter vii. Vancouver studiously avoids any further mention of the purchases, and the Indian deeds to Kendrick, and his possession, lest the United States Government should be thereby reminded of its paramount right of jurisdiction over the soil which England, through him, was endeavoring to wrest from Spain. Ingraham, in Volume iii, Page 162, says, under date of the seventh of December, 1791: "In the evening, 'arrived the brig *Washington*, Captain John Kendrick, from the Northwest coast of America." This was written at Lark's-bay. He adds, "he had been into Nootka-sound, where the Spaniards had still possession."

Your Committee submit, with entire confidence, that no reasonable doubt can be entertained that several purchases of tracts of land were made by Kendrick, who paid a valuable consideration for each of them; and that he made those investments in pursuance of the orders given him, and for the benefit of the owners of the sloop *Washington*. The inquiry then arises, what was the extent of those purchases? In answering this question, there is some difficulty, arising from the imperfect knowledge of the country possessed, at the time of the execution of these Grants, and the necessarily imperfect description of the lands intended to be conveyed. We have, it is true, some knowledge of the names of the native Chiefs (which correspond to those in the

deeds) from the voyages of the English navigators Meares and Vancouver, and likewise a general account of the many villages under their authority. But the difficulty is further enhanced by the fact, which is most apparent, that the deed for the larger tract purchased by Kendrick never reached this country, nor any copies of it. The copies sent to the Department of State are of lands, the most southerly limit of which was the southerly part of Quadra, or Vancouver's Island, which is a little South of Latitude forty-nine degrees. They are believed to be entirely of lands on the island of Quadra, or Vancouver, and cover nearly its entire extent. The missing deed of another tract is claimed by the Memorialists to extend as far South as the river Chealitz or Chekilis—the forty-seventh parallel.

By the letters of J. Howell, the Clerk, who attested the copies sent to the Secretary of State, addressed to Mr. Barrell, after the death of Captain Kendrick, we ascertain that the deeds of the lands purchased on the Northwest coast were in his possession, in Canton, on the eleventh of May, 1795; that the originals were transmitted from Macao, on the twenty-third of December, 1796; that the letter was miscarried and the deeds out of his possession, on the sixth of December, 1797; that he was in daily expectation of receiving the deeds, at Manila, on the twenty-eighth of May, 1798; and should certainly have them transmitted.—(Doc. No. 43, H. of Reps., 26th Congress, 1st Session.) Those papers were never received in this country, nor could they be traced out, in the East Indies, although efforts were made by the owners, through a period of twenty years, to find them.

There is some evidence, however, which tends to establish the extent of their purchases to be to the forty-seventh parallel.

On the first of December, 1794, Mr. Joseph Barrell writes to Colburn Barrell, of London: "If you wish for large employ, I can give you 'commission to sell upwards of six millions of 'acres on the Northwest coast of America, better 'land and better climate than Kentucky.'" In his letter of the eighteenth of June, 1795, he writes that the deeds are in China and contain all the authenticity that could be given, for four degrees of Latitude, or two hundred and forty miles square. (D.)

Mr. Wardstrom, in his work on *True Colonization*, published at London, 1795, Page 363, expresses full confidence in the extensive purchase of land on the North-west coast of America; and likewise gives in his work impressions of the medals.* A Circular was also issued in

* The Medal, presented by the Owners to Captain Kendrick, was presented by his widow, through Mr. Hall J. Kelly, in

London, on the thirty-first of August, 1795, at the very threshold of Parliament, printed in four different languages, and extensively circulated, which was addressed to the inhabitants of Europe, and claimed that the purchase, made by Captain Kendrick, for the owners, was "a tract of delightful country, comprehending four degrees of Latitude, or two hundred and forty miles square." (E.)

Mr. Colburn Barrell writes to J. Barrell from London, on the twenty-fifth of September, 1795, that Mr. Hoskins, who had just returned to France, (and who was the Clerk of the *Columbia*,) had "promised to recollect to us, in a letter, all he knows on the subject; adding some account of another tract, purchased by Captain Kendrick, and also of a tract which he took formal possession of, in the name of the United States."

McPherson, in his *Annals of Commerce*, London, 1805, Volume iv, Page 208, says: "Captain Kendrick, apparently with a view to establish a permanent settlement, purchased a tract of land two hundred and forty miles square, from the natives."

Mr. Baylie's Report, No. 213, H. of Reps., 19th Congress, 1st Session, on the North-west coast of America, presented on the fifteenth of May, 1826, pp. 13 and 14, asserts that the American title is strengthened by the purchases of the natives of a tract of land on these coasts, by prior discovery of the river *Columbia*, and by its exploration from some of its sources in the Rocky mountains to the ocean.

The North American Review, Vol. ii, March,

1848, to Hon. Judge Thornton, of Oregon. The Editor of the *Pacific Advocate*, in the Fall of 1858, describing his visit to the picturesque residence of Judge Thornton, at "Fairmount Lake," Linn-county, says: "We spent a very pleasant hour at the hospitable dwelling of the Judge, and learned from him many interesting events connected with the early history of the country. Oregon is greatly indebted to the Judge, for the useful service he has rendered her, both as an historian and in his judicial and representative character."

"Among the pleasant incidents of our brief stay with the Judge, was the sight of the identical silver medal presented to Captain J. Kendrick. The history of the medal is this: 'It was struck by the persons who were the proprietors of the *Columbia* and the projectors of the voyage which resulted in the discovery of that noble river. The medal was given by the widow of Captain Kendrick to Mr. Hall J. Kelly, a gentleman of liberal education, who, at an early day, had largely interested himself in the development of this coast, and who spent several years here. The gift was accompanied with the request that Mr. Kelly would make an appropriate disposition of the medal. When, in 1858, Judge Thornton was at Washington, on behalf of Oregon, Mr. Kelly gave it to him. At a suitable moment, the Judge intends to deposit it, somewhere, for safe keeping, as a valuable historical relic. The medal is something larger than a dollar, bearing, on one side, the inscription, 'Fitted, at Boston, N. America, for the Pacific Ocean; By J. Barrell, S. Brown, C. Bulfinch, J. Darby, C. Hatch, J. M. Pintard, 1787.' On the other side, are an ocean scene, and two ships with the marginal inscription, '*Columbia* and *Washington*, commanded by J. Kendrick.'"

1816, p. 304, mentions this purchase of a large tract of country, near the *Columbia*-river, and says, that the deed was supposed to be in the possession of some merchant interested in the expedition.

The testimony of Mr. Ebenezer Dorr, who was the Supercargo of the brig *Hope*, commanded by Captain Ingraham, is, that, in 1792, he was intimate with Captain Kendrick, and frequently on board his vessel, the *Washington*; that he saw, read, and examined, several deeds executed by the Indians on the Northwest coast, to Kendrick; that he recollects a conversation respecting a certain deed of a tract of land being in a square, taken of the Indians, by Kendrick, for the owners of the vessels, *Columbia* and *Washington*; that a pile of stones were raised and trees marked, near the head of navigation of a river; and that the square, bounded on one side by a river, extended eight days journey on each side. This may have been the extent of country over which the tribe who sold the land were supposed to roam, and was inserted, by their suggestion to the Captain, who had no personal knowledge of the interior of the coast.

Mr. Greenhow, the laborious investigator of all matters connected with the North-west coast, after citing the accumulative evidence of the purchase of four degrees, says, in his Memoir, Senate Doc. No. 174, 26th Congress, 1st Session, p. 121: "the whole island in which those territories are situated extends along two and a half degrees of Latitude, so that other lands must have been purchased by Kendrick;" Page 122: "that the transactions here described, between Kendrick and the savage Chiefs, did really take place, there is no reason to doubt."

The Journals of the ships show that they traded with the natives South of the straits to the river they called Chealitz, which pours into Gray's, or Bulfinch, harbor.

From the forty-seventh parallel to the fifty-first, beyond the northern limit of the purchases, is about four degrees of Latitude, and is, in the opinion of your Committee, undoubtedly the location of the tract purchased of the Indians and claimed by the owners, with the admission of the British navigators and authors.

The memorialists represent that Captain Robert Gray sailed from Boston, on his second voyage, in September, 1790, in the ship *Columbia*, for the North-west coast.

Your Committee append hereunto (F) copies of—

1. The letters granted by the President of the United States, dated at the city of New York, on the sixteenth day of September, 1790, under the seal of the United States, signed by

George Washington and by Thomas Jefferson, then Secretary of State.

2. The sea-letter of the Commonwealth of Massachusetts, dated the twenty-fourth day of September, 1790, signed by John Hancock, then Governor, and John Avery, Jr., then Secretary of State.

3. The certificate of the cargo of the said ship *Columbia*, dated the twenty-fifth of September, 1790, under the official seal, signed by Benjamin Lincoln, then Collector, and James Lovell, then Naval Officer, at the port of Boston.

The memorialists represent that their ancestors expended large sums of money in fitting out this as well as the prior voyage of the *Columbia*; that they made, through their Master, Robert Gray, important discoveries on the Northwest coast, which redounded to the glory of their country; that, as the result thereof, our Government has sustained, successfully, its claims to millions of acres of lands which border on the Pacific ocean; and that their investments resulted in a ruinous loss to those who engaged in the enterprise.—(See Ingraham's *Journal*, Vol. i, Page 2, Vol iv, Page 180.)

It has already been stated that the Spanish Heceta, in 1775, saw an entrance, in Latitude 46° 16', South of the promontory he called St. Roque, and supposed there might be a river or harbor. In 1788, John Meares, in the *Felice*, from Macao, made an attempt to discover it, as will appear from the account of his voyage, Page 167, London, 1790. He says: "After we had rounded the promontory, a large bay, as we had imagined, opened to our view, that bore a very promising appearance, and into which we steered with every encouraging expectation. As we steered in, the water shoaled to nine, eight, and seven fathoms, when breakers were seen, from the deck, right ahead, and, from the masthead, they were observed to extend across the bay; we therefore hauled out, and directed our course to the opposite shore, to see if there was any channel, or if we could discover any port. The name of Cape Disappointment was given to the promontory; and the bay obtained the title of Deception-bay. By an indifferent meridian observation, it lies in the Latitude of 46° 10' North, and in the computed Longitude of 235° 34' East. We can now, with safety, assert that there is no such river as that of Saint Roe exists, as laid down in the Spanish charts."

Vancouver, in 1792, April 27, examined this part of the coast, with Meare's description before him, but so formidable were the breakers and shoal-waters that he, not considering this opening worthy of more attention, continued his pursuit to the Northwest. On the afternoon of

the twenty-ninth, the next day, but one, he met the American ship *Columbia*, commanded by Mr. Robert Gray, belonging to Boston, whence she had been absent nineteen months. Her Captain, Gray, informed him of *his having been off the mouth of a river*, in the Latitude of 46° 10', where the outset or reflux was so strong as to prevent his entering for nine days. "This was probably," adds Vancouver, in his *Journal*, "the opening passed by us on the forenoon of the twenty-seventh;" and, as if determined to put on record his confidence in his own superior sagacity, and his discredit of the observations of the American Captain, he says: "It must be considered as a very singular circumstance, that, in so great an extent of seacoast, we should not, until now, have seen the appearance of any opening in its shores which presented any certain prospect of affording shelter, the whole coast forming one compact, solid, and nearly straight barrier against the sea."

But the interview with the British commander served not to discourage, but to arouse, the energy and spirit of the American Captain, who returned to the dangerous opening, resolved to enter it and brave its perils. The annals of commerce can show but few instances of similar perseverance and daring on the part of a merchant Captain. It required more than common resolution to be the first to hazard life and property in that unknown, solitary wilderness of breakers, reefs, and shoals, not for the sake of pecuniary reward, but to discover and make known to the civilized world the existence of a mighty river, which had, for ages, rolled in undisturbed solitude through an unknown portion of the globe.

Captain Wilkes, in his valuable narrative, Volume iv., Page 313, says: "Mere description can give little idea of the terrors of the bar of the *Columbia*. All who have seen it have spoken of the wildness of the scene, the incessant roar of the waters, representing it as one of the most fearful sights that can possibly meet the eye of the sailor."

From the log-book of the ship *Columbia*, it appears that Captain Gray stood in for the shore, on the seventh of May, 1792, and beat about among the breakers, &c., till about noon of the eleventh; when we were over the bar, we found this to be a river of fresh water, up which we steered. Extracts from this log-book are published in House Report, No. 213, 19th Congress, 1st Session, p. 7; also Report, No. 101, 25th Congress, 3d Session, p. 47-8-9, and Senate Document 174, 26th Congress, 1st Session, p. 125, from which it appears that Captain Gray sailed up this river about fourteen miles, and remained in it until the morning of the

twenty-first of May. He named it COLUMBIA, after the name of his ship. The North side of the entrance, which Meares called Cape Disappointment, he gave the name of Cape Hancock; the South, Adams Point. In the log-book, under date of "Tuesday, May 15," we read: "At 10 a. m., unmoored and dropped down with the tide to a better anchoring place. Smiths and other tradesmen constantly employed. In the afternoon, Captain Gray and Mr. Hoskins, in the jolly-boat went on shore to take a short view of the country." We find upon the North side of the river, Gray's Bay and Gray's Point laid down in our Government Surveys. In the correspondence submitted, we have the declarations of the officer of the *Columbia* who first landed, that he recollects hoisting the American flag and planting some New England pine-tree shillings under a tree.

Your Committee have had before them the original day-book in which entries were daily made of the articles of traffic disposed of, under the dates of the transactions, and the points touched at by the ship. These entries are found to corroborate the log-book and the history of that discovery. The merit of this discovery cannot be disputed. The geographers of the world have adopted the name which Gray gave to it. Vancouver, at last, (p. 388-393) fully admitted the discovery, and admits that he is indebted to Captain Gray for charts of this Latitude.

Your Committee have also had submitted to them an original map of the Northwest coast, by John Hoskins, Supercargo of the ship *Columbia*, bearing date 1791 and 1792, upon which the coast and river are laid down, as well as the island of Vancouver and the straits, with a striking degree of accuracy, for that early period, and proving, incontestibly, that this river, which is found on no previous map or chart, was then explored and mapped. The Spanish Government, in 1802, printed at Madrid, by royal order, a work entitled *Vinje del Sutil Mexicana, en 1792*, which says, (p. 157:) "September 4, 1792—We found the shape of the land, in sight, to conform with that of a plat of survey made by the active American navigator, Gray, of the river which he called Columbia, after the name of the ship which he commanded." Ingraham inserted a chart of the coast in his journal, (Vol. iv., Page 206,) under date October, 1792, and says—"Every part of the coast South of Cape Flattery and Pintado-sound, are from Captain Gray's information." The Columbia-river is laid down, for several miles from its mouth. There is abundant evidence that these purchases, designed to establish permanent settlements upon the lands thus discovered, explored, and purchased, were taken possession

of, in the name of the United States. Mr. Barrell, in his first proposition, conceived the idea of a valuable acquisition to the country, and, at the same time, of a trading establishment of great importance. As soon as he learned, from Captain Kendrick, that these purchases had been made, he opened a correspondence with a prominent house in London, through whom he endeavored to procure emigrants from all the nations of Europe, rather than to draw upon the more sparse population of this then infant Republic.

Captain Kendrick, in his letter to Hon. Thomas Jefferson, Secretary of State, enclosing the deeds and seeking the protection of Government for the security of the rights thereby acquired, makes allusion to some future settlement, and to the benefits resulting to the Union, from possessions on the coast. But the accidental death of Captain Kendrick—(see Jarvis's *History of Sandwich Islands*, p. 155)—by the premature discharge of a national salute, and the entire loss of the vessel, with her cargo, while under the command of his Clerk, struck a deathblow to these hopes. The projectors of this daring enterprise beheld others availing themselves of the results of the exploration made by their capital and at the risk of their lives, and, aided by the example they had been the first to set, reaping rich returns; while they, themselves, lost all they had invested (save these purchases of lands, then of unknown value, and were disappointed in their long-indulged prospects of success.

Captain Robert Gray died soon after, leaving his widow and four daughters, who have supported themselves by their own exertions. The originator of the enterprise and the principal owners are believed to have died, insolvent.

The disastrous result of the Astoria settlement, upon the Columbia-river, a few years after, so affected the commercial world that no inducement could encourage the survivors of the owners or the heirs of the deceased to migrate thither; but they have never ceased to implore the Government to extend its protection to their claims. Among the letters, submitted to your Committee, is one from Charles Bulfinch, who was the last survivor of the original owners, addressed to his sons, on the nineteenth of February, 1830, in which he says that he has flattered himself that, if a settlement or colony was established on Columbia-river, Government would make a grant of land in consideration of their being the first discoverers, and having opened to the country a very lucrative commerce, of which they had not profited; that, upon consultation with one of the sons of Joseph Barrell, they agreed to go, together, to Mr. Rush, who had just returned home, and, not being in

the administration, could give them an unbiased opinion; that Mr. Rush was of opinion that any body of adventurers or colony who should settle on the North bank of that river would be driven off, or be obliged to submit to the jurisdiction of England; that, after much consideration, he suggested that the best chance of obtaining any advantage from the claim would be, that Congress should condition that, in any Treaty of boundary, the rights of original purchasers should be recognized; and that, from the general liberality of the British Government, he presumed they would do so.

The claimants have, from time to time, petitioned Congress for a recognition of their rights, and for some reward for their sacrifices in making these discoveries. A bill was reported in the House, during the Thirtieth Congress, granting ten sections of land, in the territory of Oregon, to the widow of Robert Gray, upon her separate application; but it never became a law. (Mr. Broadhead's Report, No. 502, 30th Congress, 1st Session.)

The services of Captain Robert Gray, however meritorious, could never have been rendered to the country had it not been for the remarkable sagacity, bold enterprise, and large investments of Joseph Barrell and his associates.

The Government of the United States always claimed title to the coast, from the forty-second degree to 54° 40' North parallel, embracing the vast and valuable territory drained and watered by the river and its branches. It held, in the Department of State, the copies of the deeds from the native Chiefs and the letter which enclosed them, from Captain Kendrick, who desired to secure the property in the lands to his owners, through himself, and the jurisdiction thereof to the United States. During the administration of President Jefferson, an expedition was fitted out, by the Executive, under Lewis and Clark, to explore the section of country which these claimants had previously discovered, and a portion of which they claimed to have purchased and taken into formal possession.

The annual Messages of our Presidents, Monroe and Adams, recommended Congress to turn their attention to "our coasts along many degrees of Latitude upon the shore of the Pacific ocean." Mr. Adams, in his Message to the Nineteenth Congress, says: "The river of the West, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our flag at its mouth."

A private correspondence between the Government and the surviving owners, in 1816 and

1817, was filed with the Memorial. (G.)

The Department of State has likewise had possession of the Journals of Captain Ingraham, who was upon the coast during the years these events took place, and who confirms their history. Scarcely has there been held a Session of Congress, since that period, but in it some Report has been made which referred, for our title, to this discovery and claim. Messrs. Gallatin and Rush most firmly maintained this, at the Court of St. James, in 1818, (*American State Papers*, Vol. iv.—Foreign Relations, Vol. iv., p. 381;) and again, in 1825-'6 (see *British and Foreign State Papers*, pp. 499, 509; *Wheaton's Elements of International Law*, Part ii., Chap. 4.)

By the Treaty of 1846, the Government of the United States, for the sake of peace and to avoid a War involving an expenditure of millions of money and the sacrifice of the lives of thousands of its citizens, relinquished, to Great Britain, the jurisdiction and the soil of some three hundred miles of territory claimed by the former on the Pacific coast.

In concluding this Treaty it was, of course, never supposed that the rights of any American citizen claiming an interest in the territory thus yielded to the British Crown, were put in jeopardy. While the Treaty, however, confirmed to British subjects residing on that portion of the territory which was confirmed to the United States, their possessory rights to their lands, no such provision was made in favor of American citizens claiming rights North of the divisional line established by the Treaty. As to the portion of country lying North of the forty-ninth parallel of Latitude, and embracing also the whole of Vancouver's-island, the jurisdiction and title has passed to Great Britain; and whatever might be the views of this Government, in regard to a recognition of the claimants' interest, either legal or equitable, to the land therein covered by the Indian deeds, there remains no power in this Government to confirm the title. But, within the portion of country retained by and confirmed to the United States, by the Treaty, there remains about two degrees of Latitude by four of Longitude covered by these purchases, as claimed in the Memorial, to have been made of the native Chiefs, in 1791, and as appears to have been sustained by affidavits respecting the deeds which are lost, admitted by the English navigators and authors of that early day, and repeatedly referred to in the public documents and Reports to Congress. The memorialists ask to have the title to this tract of land confirmed to them.

The purchase of lands of the Indians, by individuals, was, at an early day, prohibited by the authorities of the British nation, within the

region claimed to be subject to her jurisdiction. In 1783, a Proclamation was issued by the American Congress, prohibiting all such purchases of land, without the limits or jurisdiction of any particular State, without the express authority of Congress, and declaring every such unauthorized purchase, void. This prohibition evidently had relation to purchases in the Indian country, lying within the boundaries of the United States, but beyond the limits of organized States. The region of the Pacific coast could not, at that time, have been within the contemplation of Congress, in this Proclamation. It was then, in effect, a foreign as well as an unexplored country. It is true, that some of the original Grants of land, made by Great Britain, on the Atlantic side of the continent, were specified to run, westwardly, to the "great South sea;" yet these grantors had neither jurisdiction nor knowledge of the immense country between the Mississippi and Pacific coast; and, at the time of its first exploration, Spain had jurisdiction and possession, admitted by all parties, of the extensive valley of the Mississippi, stretching from the Gulf of Mexico to the Latitude of the northern lakes. This broad extent of country, long held, in uninterrupted possession, by Spain, effectually divided the jurisdictional limits of the United States from that unknown territory, beyond. It was not until after the discoveries of the coast, on the Pacific side of the continent, and the incipient establishment of stations for the fur-trade and the cession of the dividing region of Louisiana to the United States, that explorations were ordered, the right to the country claimed, and jurisdiction asserted and maintained, by our own Government.

It may well be doubted, then, whether the Proclamation of Congress, prohibiting purchases of the Indians, can be regarded, in any sense, as applying to purchases made on the Pacific coast, at the time of the visit of the *Columbia* and the *Washington* to that region. It would seem more in accordance with the truth, to regard that country as new, and unexplored, and unappropriated by civilized man. Approached only by the ocean, it should be regarded, like the islands of the Pacific, subject to discovery and possession by the new comers, whose rights, as between different claimants and in regard to the uncivilized native inhabitants, should be those which pertain to the recognized laws of newly-discovered lands.

The principles relative to such new discoveries, it is believed, are well-settled in the code of civilized nations. The citizen of any country first taking possession, does so in the name of his nation; and the jurisdiction of the country, with the exclusive right to the soil, subject

to the possessory right of the natives, vests in the Government of him who first asserts and maintains possession. The right to extinguish the possessory title of the natives does not rest in the individual discoverer, but in his Government; and a purchase thus made by him, of the natives, would, it is conceived, give no title as against his Government, unless made with the previous consent of the latter, or subsequently confirmed by the proper authorities of his nation.

If this view of the subject be correct, it follows, that the owners of the two vessels acquired no title in the land by their purchase of the Indian Chiefs. It does not follow, however, that they are the less entitled to the consideration of their Government, for the benefit bestowed on the latter by the negotiation and purchase. On the contrary, such services, attended with such beneficial results, at the instance and cost of the individual citizen, would seem to present a strong claim, in his behalf, to the consideration of his Government.

The mere discovery of a country inhabited only by savages, is not, alone, sufficient to secure an appropriation of it by the nation in whose name the discovery is made. If no actual possession is taken, or a mere nominal possession, followed by an immediate abandonment, is all that can be claimed, other nations may take possession, by settlement and actual continued occupancy; and, by colonization, they may become the rightful owners. In deciding on the strength of the claim of a civilized nation, in such a case, every circumstance which relates to the discovery, the possession, the settlement, and the continued claim of right, is regarded as important. And the relations established with the native Chiefs and inhabitants of the country, especially where the consent of the latter to the establishment of colonies, the proffer of amicable and exclusive rights of traffic, and the Grant of lands, for purpose of settlement, cannot be disregarded. It is difficult to conceive of a stronger circumstance, in establishing our national right to the country, than that which is exhibited by the facts connected with this purchase and the oft-repeated admonition of the natives, to the adventurers of other nations, declaring the rights of the American navigators, by solemn compact and Grant, to the territory and the kind relations established between them and the Chiefs.

The value of the discoveries, made by these vessels, to the American people must not be overlooked nor lightly esteemed.

The intrepid and noble mariners who first left our ports and doubled the Cape, in compliance with their instructions from the merchant-owners, not to stop at any port of the western

coast, known to the European world, unless driven there, by some unavoidable accident, merit the highest tribute of respect which can be paid to their memories. Whilst other nations were fitting out their royal ships, commanded by officers of high naval rank, commissioned by Lords of Admiralty, and sustained, at home, by the royal treasury, we behold these humble men, inspired by the ambition which burned in the American breast, in the infancy of our Republic, sailing forth, in ships named in honor of the discoverer of our Continent and of the father of our liberties, and bearing, for their sea-letter, George Washington's request to the Emperors and potentates of the world, that they would receive them with kindness and in a becoming manner, and thereby he would consider himself under much obligation.

Captains John Kendrick and Robert Gray each found an early grave; and their children and widow now appeal to our sympathies, for some testimonial of their services. The ledger of the owners shows the items of the original invoice, to the amount of upwards of £7,000. Let, to this, be added the cost of the vessels and outfit, with interest—which also proved to be a total loss to the owners—the aggregate would be the pecuniary amount expended by the claimants.

The Committee do not forget that, in the discussions which have heretofore been had, on the subject of the American title to the Oregon country, the right has not been rested, exclusively, on discovery and possession by Americans. The early Spanish navigators—the first to sail along the coast and to plant the cross and the standard of their country, on its shores, in the name of their Sovereign—were also invoked, as witnesses of the right of Spain to the territory, which rights were, by the Treaty, of 1819, transferred to this nation. But, in all these discussions, reliance has not been placed exclusively on this ground. The historical incidents, to which reference is made in the Report, have also, uniformly, although not to their full extent, been adduced, in proof of the title of our nation to the country on the western portion of this Continent. The discovery of Captain Gray, followed, as it was, in a reasonable time, with the explorations of Lewis and Clark, in 1803, upon the recommendation of President Jefferson, and by the settlements, on the banks of the river, in 1811, called Fort George, or Astoria, which, having been taken by the *Raccoon*, during the War with Great Britain, was, subsequently, on the sixth day of October, 1818, restored, in conformity with the first Article of the Treaty of Ghent, as a territory, place, and possession taken from us, is, at least, as strong a title to the Oregon country as that

by which distant territories are usually held by civilized nations. If, to these, the character and objects of the American navigators are added; the amicable relations between them and the acknowledged Chiefs of the country; the Grants, to them, of lands of large extent; and their occupation of it, it may well be doubted whether even Spain herself could exhibit a better claim, founded on her intercourse with the region, than that which is made out, under the principles of international law, by the acts of these enterprising American explorers. From a careful review of the history of these discoveries and possessions, scattered, as it is, in detached portions, through volumes relating only, incidentally, to the subject, in the journals of the navigators of other countries, and in manuscripts to which the reading public have no access, we can scarcely refrain from the exclamation that the value of the services of these men has never yet been duly appreciated by their country. They have done enough to secure to the nation the extensive and rich region washed by the Oregon, and looking out on the Pacific, now just beginning to be whitened by the sails of all commercial nations on the globe. Fame has scarcely deigned to notice their noble enterprise; and pecuniary compensation has rewarded neither them nor their children. The toil, the hazard, the loss, was theirs: the fruit of all was not for the toilers—it was thrown into the lap of their country. The appeal of their surviving representatives is made to that country for a recognition—small, though it may be—for a recognition of their services and their merits.

The Committee could not, of course, in any ordinary case, recommend a compensation "to be given for services in connection with the early explorations or settlement of the newer portion of our wide-extended domain." The services in the case under consideration are, however, of so peculiar a character that they believe the Government owes it to the merits of these men and their services, to depart from the general rule and to make them some compensation, in land, in the region where their services were performed and where the purchases were made of the native Chiefs. They, therefore, herewith, report a Bill giving to the widow of Captain Gray, and to the children of Captain Kendrick, and to each of the owners of the two exploring vessels, five sections of land. This small Grant, although insignificant in pecuniary value, may yet afford a solace, in the declining years of some of the petitioners, while it will prove, to them all, that time has not obliterated from the memory of their country the worth and the services of their departed relatives.

APPENDIX.

A.

ORDERS GIVEN CAPTAIN JOHN KENDRICK, OF THE SHIP COLUMBIA, FOR A VOYAGE TO THE PACIFIC OCEAN.

SIR: The ship *Columbia* and sloop *Washington* being completely equipped for a voyage to the Pacific-ocean and China, we place such confidence in you as to give you the entire command of this enterprise. It would be impossible, upon a voyage of this nature, to give, with propriety, very binding instructions; and, such is our reliance on your honor, integrity, and good conduct, that it would be needless, at any time. You will be on the spot, and, as circumstances turn up, you must improve them; but we cannot forbear to impress on your mind our wish and expectation that the most inviolable harmony and friendship may be cultivated between you and the natives, and that no advantage may be taken of them, in trading, but that you endeavor, by honest conduct, to impress upon their minds a friendship for Americans.

If you make any fort or improvement of land, upon the coast, be sure you purchase the soil of the natives; and it would not be amiss if you purchased some advantageous tract of land, in the name of the owners, if you should let the instrument of conveyance bear every authentic mark the circumstances will admit of. * * * You will constantly bear in mind that no trade is to be allowed, on the coast, on any pretence whatever, but for the benefit of the owners. * * * You are strictly enjoined not to touch at any part of the Spanish dominions on the western continent of America, unless driven there by some unavoidable accident, in which case you will stay no longer than is absolutely necessary; and, while there, be careful to give no offence to any of the subjects of his Catholic Majesty; and, if you meet with any subjects of any European prince, you are to treat them with friendship and civility.

The certificate you have from the French and Dutch Consuls you will make use of, if you meet with any ships of those nations; and you will pay them every respect that is due to them.

The sea-letters from Congress and this State you will also show, on every proper occasion; and, although we expect you will treat all nations with respect and civility, yet we depend you will suffer insult and injury from none, without showing that spirit which will ever become a FREE AND INDEPENDENT AMERICAN.

B.

[PAPERS FROM THE STATE DEPARTMENT.]

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I certify, that the papers hereunto attached are true copies of papers on file in this department.

In testimony whereof, I, James Buchanan, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department to be affixed.

Done, at the city of Washington, this 9th day of February, A. D., 1849, and of the independence of the United States of America, the seventy-third.

JAMES BUCHANAN.

[I.—LETTER FROM CAPTAIN KENDRICK TO THE SECRETARY OF STATE, IN BEHALF OF THE SPANISH GOVERNOR OF JUAN FERNANDEZ.]

ON BOARD THE SHIP LADY WASHINGTON,
HARBOR OF MAW-WIN-NA, ST. CLAIR'S ISLAND,
NORTH-WEST COAST OF AMERICA.

SIR: I have the honor to address you on a subject which I conceive the honor of the Government of the United States to be interested in, and the following relation of which I request you to lay before the President, hoping that, in his humanity, the oppressed will find a protector, and, by the representations he, in his wisdom, may direct to be made to the Court of Madrid, the unfortunate may be relieved.

In the year 1787, an expedition under my command was fitted out from Boston, for prosecuting the fur-trade, on the North-west coast of America; and, after doubling Cape Horn, in a very tempestuous season, my ship, the *Columbia*, was considerably disabled, and I was in great want of both water and wood. My tender, the *Washington*, sloop, had parted company with me, off the cape, and I had no other alternative than repairing to some of the Spanish settlements in the South Pacific-ocean, for the purpose of refitting my vessel and procuring some necessary supplies. I therefore bore away for the island of Juan Fernandez; and arrived in Cumberland-bay the twenty-fourth of May, 1788. We were immediately visited by a Spanish boat, with two officers in it; and, on their return, my first officer, Mr. Ingraham, was sent on shore, to request permission to anchor and continue there, a few days, which the Governor, Don Blas Gonzalez, Major in the Cavalry of his Catholic Majesty, very humanely granted, making such stipulations, with respect to the term of our continuance at the island and the conduct to be observed, during that period, as evinced him to be a cautious, vigilant, and prudent officer. Our communication was through the medium of the French language, imperfectly understood by both parties, until the twenty-eighth, following, when a Spanish ship arrived off the bay to receive the Governor's despatches

for Chili, on board of which was a Frenchman, who was sent on shore, for the purpose of more fully examining our passports, etc. A copy of my sea-letter, from the Congress of the United States, and the official letter of the Sieur l'Etombe, Consul of France for the States of Massachusetts, etc., were given the Governor; and, on the day of my intended departure, I received from him the letter, of which the enclosed is a copy, three days after the date of which, being detained the intermediate time by a gale of wind, I proceeded on my voyage to this coast.

In consequence of the abuse of power by his Catholic Majesty's servants, in his American Governments, or by an untrue and malicious statement of the facts, by some secret enemies, Don Blas Gonzalez has been deprived of his employments and treated with considerable rigor and injustice; and the only crime imputed to him is his humane conduct towards me and my crew, in 1788—a conduct which did honor to him as a man, and was, I conceive, perfectly consistent with the amity and good understanding subsisting between the Court of Madrid and the United States. But the affair will be best explained in his own words, in a letter to my son, who touched at Valparaiso, in Chili, in the ship *Jefferson*, Captain Roberts, of Boston, in June, 1792, and who communicated the first intelligence of it to me.

[EXTRACT.]

“No se sabra N. Md. como desde que se supo
“en esta que yo havid dado hospitalidad à dho
“su padre, se me desposá del gobierno por esta
“Capitania General por und equivocada intelli-
“gencia que se formó sobre a quel suceso;
“y que aunque el rey, mi señor, approvó la
“la conducta que observe entonces, con toda
“hasta, ahora estoi padeciendo las resultas, por
“la suma distancia en que por mi desgracia,
“me tiene constituido la suenta de este remoto
“destino; no obstante de las diligenzas em-
“peñosas 9e. he practicada pd. vindica, mé
“arreglada conducta; y de haver escritos à
“Monsieur l'Etombe, consul de Francia en
“Boston, y à dho su padre, para que me favore-
“ciessen en lo que buenamente pudiesen:
“cuyas resultas ignoro, por no saben sf reci-
“bieron mis cartas.

“Si N. Md. Gusta de Escibirles asociado de
“su capstan, sobre este particular; y recom-
“endarme pd. que me protexan, se lo estimaria
“mucho: encuyo caso puede N. Md. Entre-
“garlas Cartas al Cavallero Don Manuel Porra-
“sia, necino de esse puerto, y portade de este,
“que es amigo de todo mi confianza.” (San-
“tiago, de Chili, 20 de Junio, de 1792.)

In consequence of the request made by Don

Blas Gonzalez, Captain Roberts and my son wrote the owners of the *Columbia* and *Jefferson*, requesting them to make such a representation to the United States as they pointed out. As they appear to have mistaken the contents of the letter from Don Blas, I have done myself the honor of offering you the foregoing statement of facts; and, as he doubtless rendered me those services, for which, in the sea-letter, the United States declare they shall “stand willing indebted,” I hope the affair will have proper attention paid to it. I have now only to request, very earnestly, that any mode of proceeding which may be adopted for the relief of Don Blas Gonzalez, may be executed with all convenient expedition. I need not use any persuasive arguments to interest the officers of the Government of the United States in behalf of the unfortunate gentleman who has been the subject of this letter; as the principles of our excellent Constitution, as well as their native humanity, must render them enemies of oppression.

I have the honor to be, with the utmost deference and esteem, Honorable Sir, your most obedient and most humble servant,

JOHN KENDRICK.

HON. THOMAS JEFFERSON,
Secretary for the Department of State.

[II.—LETTER OF THE GOVERNOR OF JUAN FERNANDEZ.]

Don Blas Gonzalez, Sargento Mayo de Cavalleria de los exercitos de su magestad, y governado politico y militar de esta plaza è islas de Juan Fernandez: Certifico, que haviendo arribado à este puerto el Capitan Juan Kendrick, de la nacion Bostoneza, en la fragata de su mando nombrada la *Columbia*, con tres oficiales subalternos, y treinta seiz hombres de tripulacion de la propria nacion, comicionado por su republica à viajar por todo el mundo, el veinte y quatro de mayo proximo pasado, a pedirme la hospitalidad, exponiendome para ello los por el Aermino de seis dias, de cuya determinacion di parte al Excellentissimo Señor Vir, rey de Peru, y à la capitania general del reyno de Chili; haviendose detenido quatro dias mas de los concedidos, por la razon de los muchos Aquaceros, que mediaron; sin dar la menor nota, assi los enunciados oficiales, como la demas fripulacion, ni flaltar à lo mas minimo de quanto estipularon con migo, antes de permitules la entrada en este puerto; y para que conste doi la presente à pedimento de dicho Capitan J. Kendrick, en esta isla de Juan Fernandez, à tres dias del mes de Junio, de mil, setecientos, ochenta y ocho años.

BLAS GONZALEZ.

[III.—LETTER FROM CAPTAIN KENDRICK TO THE SECRETARY OF STATE, ENCLOSING DEEDS OF LANDS PURCHASED FROM THE NATIVES.]

PORT INDEPENDENCE, ON THE ISLAND OF HONG KONG,

March 1, 1793.

Sir: I have the honor of enclosing to you the copies of several deeds, by which the tracts of land, therein described, situated on islands on the Northwest coast of America, have been conveyed to me and my heirs, forever, by the resident Chiefs of those districts, who, I presume, were the only just proprietors thereof. I know not what measures are necessary to be taken, to secure the property of these purchases to me and the Government thereof to the United States; but it cannot be amiss to transmit them to you, to remain in the offices of the Department of State. My claim to those territories has been allowed by the Spanish Crown; for the purchases I made, at Nootka, were expressly excepted in a deed of conveyance of the lands adjacent to and surrounding Nootka-sound, executed, in September last, to El Senor Don Juan Francisco de la Bodega y Quadra, in behalf of his Catholic Majesty, by Maquinah and the other Chiefs of his tribe, to whom those lands belonged.

When I made these purchases, I did it under an impression that it would receive the sanction of the United States, and that, should an Act of the Legislature be necessary to secure them to me, I should find no difficulty in obtaining it. The future commercial advantages which may arise from the fur-trade, besides many other branches which are daily opening to the view of those who visit the Northwest American coast, may, perhaps, render a settlement, there, worthy the attention of some associated company, under the protection of Government. Should this be the case, the possession of lands, previously and so fairly acquired, would much assist in carrying the plan into effect. Many good purposes may be effected by the Union having possessions on that coast, which I shall not presume, Sir, to point out to you; and the benefits which have accrued to individuals, by similar purchases to those I have made, in our own States, are too well known to need a remark.

I have the honor to be, with the utmost respect and esteem, Sir, your very humble servant,

JOHN KENDRICK.

The Hon. THOMAS JEFFERSON,
Secretary for the Department of State.

[Endorsed:] KENDRICK, JOHN—Hong Kong, March 1, 1793—received October 24, covering several Indian deeds.

[INDIAN DEEDS, ENCLOSED IN THE ABOVE LETTER.]

To all persons to whom these presents shall come, I, Macquinnah, the Chief, and with my other Chiefs, do send greeting: Know ye that I, Macquinnah, of Nootka-sound, on the Northwest coast of America, for and in consideration of ten muskets, do grant and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a certain harbor, in said Nootka-sound, called Chastacktoos, in which the brigantine *Lady Washington* lay at anchor, on the twentieth day of July, 1791, with all the land, rivers, creeks, harbors, islands, etc., within nine miles North, East, West and South of said harbor, with all the produce of both sea and land appertaining thereto—only the said John Kendrick does grant and allow the said Maquinah to live and fish on the said territory, as usual—and by these presents, does grant and sell to the said John Kendrick, his heirs, executors and administrators, all the above mentioned territory, known by the Indian name Chastacktoos, but now by the name of the Safe Retreat-harbor; and also does grant and sell to the said John Kendrick, his heirs, executors and administrators, a free passage through all the rivers and passages, with all the outlets which lead to and from the said Nootka-sound, of which, by the signing these presents, I have delivered unto the said John Kendrick. Signed with my own hand and the other Chiefs', and bearing even date, to have and to hold the said premises, etc., to him, the said John Kendrick, his heirs, executors, and administrators, from henceforth and forever, as his property, absolutely, without any other consideration whatever.

In witness whereof I have hereunto set my hand and the hands of my other Chiefs, this twentieth day of July, one thousand seven hundred and ninety-one.

| | |
|----------------------------------|--------|
| MACQUINNAH, his x mark. | [L.S.] |
| WARCLASMAN, his x mark. | [L.S.] |
| HANNOPY, his x mark. | [L.S.] |
| CLOPHANANISH, his x mark. | [L.S.] |
| TARTOOCHTHEEATTICUS, his x mark. | [L.S.] |
| CLACKOEENER, his x mark. | [L.S.] |

Signed, sealed and delivered in presence of—

JOHN STODDARD.
JOHN REDMAN.
THOMAS FOSTER.
WILLIAM BOWLES.
JOHN MAUD, JR.
FLORENCE MCCARTHY.
JOHN PORTER.
JAMES CRAWFORD.
ROBERT GREEN.
JOHN BARBER.

A true copy from the original deed.

Attest: J. HOWELL.

To all people to whom these presents shall come: I, Norry Youk, the Chief, with my other Chiefs, do send greeting: Know ye that I, Norry Youk, of Ahasset, on the North-west coast of America, for and in consideration of six muskets, a boat's sail, a quantity of powder, and an American flag, by the free consent of the other Chiefs concerned, do bargain, grant, and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a certain harbor in said Ahasset, called by the natives Chenerkintau, in which the brig *Lady Washington* lay at anchor on the fifth day of August, 1791, which is situated in Latitude 49° 50' North, and Longitude 127° 08' West, on the North side of the Sound of Ahasset, being a territorial distance of eighteen miles square, of which the harbor of Chenerkintau is the centre, with all the lands, mines, minerals, rivers, bays, harbors, sounds, creeks, and all islands, with all the produce of both land and sea; and, by these presents, do grant and sell to the said John Kendrick, his heirs, executors and administrators, all the above mentioned territory, known by the name of Ahasset, and the harbor by the Indian name of Chenerkintau, but now by the name of Kendrick's harbor: and also, do grant and sell to the said John Kendrick, his heirs, executors and administrators, a free pass through all the rivers and passages, with all the outlets which lead to and from the said territory, of which the signing these presents I have delivered unto the said John Kendrick, signed with my own hand and the other Chiefs', to have and to hold the said territorial premises, etc., to him, the said John Kendrick, his heirs, executors and administrators, from henceforth and forever, as his property, absolutely, without any other emolument or consideration whatever.

In witness whereof, I have hereunto set my hand and the hands of my other Chiefs, this fifth day of August, one thousand seven hundred and ninety-one.

NORRY-YOUK, his x mark. [L. s.]

APPULS, his x mark. [L. s.]

KISSULS, his x mark. [L. s.]

HAW-WETPARSUM, his x mark. [L. s.]

Signed by NORRY-YOUK for his son.

Signed, sealed and delivered in the presence of us—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
WILLIAM BOWLES,
ROBERT GREEN,
JOHN BARBER,
JOHN PORTER.

A true copy from the original deed :

Attest : J. HOWELL.

To all people to whom these presents shall come: I, Wickananish, Chief of Clyoquot, with my other Chiefs, do send greeting: Know ye, that I, Wickananish, of Clyoquot, on the North-west coast of America, with my own free will and consent, and the consent of my other Chiefs, for the consideration of four muskets, a large sail, and a quantity of powder, (they being articles which we at present stand in need of, and are of great value,) do bargain, grant, and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a territorial distance of eighteen miles North, eighteen miles South, eighteen miles East, and eighteen miles West of the village called by the natives Opisita, which village is to be the centre of the said territorial distance, with all the lands, mines, minerals, rivers, bays, sounds, harbors, creeks, etc., and all the islands, with both the produce of land and sea, within the limits of said territorial distance. Opisita, being the centre, is situated in Latitude 49° 10' North, and Longitude 126° 02' West from the meridian of London. And by these presents, do grant and sell unto the said John Kendrick, his heirs, executors, administrators, and assigns, all the above mentioned territory, known by the name of Clyoquot; and also do grant and sell unto the said John Kendrick, his heirs, executors, administrators, or assigns, a free pass through all the rivers, passages, etc., with all the outlets which lead to and from said territory, of which the signing of these presents, I have delivered unto the said John Kendrick.

Signed with my own hand and the hands of my other Chiefs, to have and to hold the said territorial distance, etc., to him, the said John Kendrick, his heirs, executors, administrators, or assigns, from henceforth and forever, as his property, absolutely, without any emolument or consideration whatever.

In witness whereof, I have hereunto set my hand and the hands of my other Chiefs, this eleventh day of August, one thousand seven hundred and thirty-one.

WICKANANISH, his x mark. [L. s.]

TOOTESCOZITTLE, his x mark. [L. s.]

TARTOOTCHTHEEATTICUS, his x mark. [L. s.]

TEASSLAUR, his x mark. [L. s.]

TACKQULIN, his x mark. [L. s.]

HYEREQUIS, his x mark. [L. s.]

Signed, sealed and delivered in the presence of us—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,

JOHN STODDARD,
THOMAS FOSTER,
JOHN BARBER,
JAMES CRAWFORD,
CHARLES BYRN,
FLORENCE MCCARTHY,
WILLIAM BOWLES,
JOHN MAUD, JR.,
ROBERT GREEN.

A true copy from the original deed.

Attest : J. HOWELL.

To all people to whom these presents shall come: I, Tarassom, the Chief, with my other Chiefs, do send greeting: Know ye that I, Tarassom, of New Chatleck, on the Northwest coast of America, for and in consideration of two muskets, a boat's sail, and a quantity of powder, by the free consent of my other Chiefs concerned, do bargain, grant, and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, a certain harbor, in said New Chatleck, called by the natives Hoot-see-ess, but now called Port Montgomery. in which the brig *Lady Washington* lay at anchor on the second day of August, 1791, and is situated in Latitude 49° 46' North, Longitude 127° 02' West, on the South side of the sound of Ahasset, and now called Massachusetts-sound, being a territorial distance of eighteen miles square of which the harbor of Hoot-see-ess, alias Port Montgomery, is the centre, with all the lands, mines, minerals, rivers, bays, sounds, harbors creeks and islands, with all the produce of both sea and land, appertaining thereto; and by these presents do grant and sell to the said John Kendrick, his heirs, executors, administrators or assigns, all the above-mentioned territory known by the names of New Chatleck and Hoot see-ess, now by the names of Massachusetts-sound and Port Montgomery; and also do grant and sell to the said John Kendrick, his heirs, executors, administrators, or assigns, a free pass through all the rivers and passages, with all the outlets which lead to and from said territory, of which the signing of these presents, I have delivered unto the said John Kendrick, signed with my own name and the names of my other Chiefs, to have and to hold the said territories, provinces, etc., to him the said John Kendrick, his heirs, executors, administrators or assigns, from henceforth and forever, as his property, absolutely, without any other emoluments or considerations, whatever.

In witness whereof, I have hereunto set my hand and the hands of my other Chiefs this fifth day of August, one thousand seven hundred and ninety-one

TARASSOM, his mark. [L. s.]

WACKLIMMIS, his mark. [L. s.]

Signed by TARASSOM, for his first son. [L. s.]

QUANTENO, his x mark. [L. s.]

CLAKISHUPPA, his x mark. [L. s.]

Signed by TARASSOM, for his second son. [L. s.]

Signed sealed and delivered in presence of:—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
THOMAS FOSTER,
ROBERT GREEN,
JAMES CRAWFORD,
FLORENCE MCCARTHY,
JOHN MAUD, JR.,
WILLIAMS BOWLES,
CHARLES BYRN.

A true copy of the original deed :

Attest : JOHN HOWELL.

To all people to whom these presents shall come: I, Caarshucornook, the Chief, and the under-Chiefs, do send greeting: Know ye, that I, Caarshucornook, of the Tashees, at the head of Nootka-sound, on the North-west coast of America, for and in consideration of two muskets and a quantity of powder, by the free consent of the other Chiefs, do bargain, grant and sell unto John Kendrick, of Boston, Commonwealth of Massachusetts, in North America, the head of Nootka-sound, called by the natives Tashees, being a territorial distance, on an East and West line, from the mouth of the straits which lead to Ahasset-sound, now called Massachusetts-sound, with the land nine miles round said Tashees, together with all mines, minerals, rivers, bays, sounds, creeks, harbors, and all islands, with the produce of both sea and land, appertaining thereto; and by these presents do grant and sell unto the said John Kendrick, his heirs, executors, administrators, and assigns, all the above-mentioned territory known by the Indian name Tashees; and also do grant and sell to the said John Kendrick, his heirs, executors, administrators, or assigns, a free passage through all the passages and rivers, with all the outlets which lead to and from said Tashees, of which the signing these presents, I have delivered unto the said John Kendrick. Signed with my own hand and the hands of my other Chiefs, to have and to hold the said territorial distance, etc., to him, the said John Kendrick, his heirs, executors, administrators or assigns, from henceforth and forever, as his property, absolutely, without any other emolument or consideration whatever.

In witness hereof I have hereunto set my hand and the hands of my other Chiefs, this

sixth day of August, one thousand seven hundred and ninety-one.

CAARSHUCORNOOK, his x mark. [L. s.]

HANNOPY, his x mark. [L. s.]

Signed, sealed and delivered in presence of—

JOHN WILLIAMS,
JOHN REDMAN,
WILLIAM BOWELL,
JNO. STODDARD,
THOMAS FOSTER,
JAMES CRAWFORD,
JOHN MAUD, JR.,
ROBERT GREEN,
WILLIAM BOWLES,
JOHN BARBER.

A true copy from the original deed.

Attest: J. HOWELL.

C.

[AFFIDAVITS OF EARLY NAVIGATORS, RELATIVE TO CAPTAIN KENDRICK'S PURCHASES OF LANDS FROM THE NATIVES.]

I.—CAPTAIN DORR'S AFFIDAVIT.]

I, Ebenezer Dorr, of Roxbury, in the Commonwealth of Massachusetts, aged seventy-six years, on oath, depose and say, that, on the seventeenth of September, in the year 1790, I left Boston as Supercargo in the brig *Hope*, commanded by Captain Joseph Ingraham, John Cruft being the chief officer, and entered Clioquot-harbor, on the Northwest coast, on the twenty-third of July, 1791, as appears by my private journal. In the beginning of September, in the year 1791, we left the coast for China, and arrived at Macao, early in the year 1792. The brig *Lady Washington*, commanded by Captain John Kendrick, was lying in Lark's-bay, near Macao.

I had a personal and intimate acquaintance with Captain Kendrick; and, while in Lark's-bay, was frequently on board his vessel. In some of my visits, I recollect to have seen, inspected, and read, several deeds executed by Indians on the Northwest coast, to Captain John Kendrick. I believe that the names of Maquinna and Wickaninish were affixed to some of the deeds; and there were other names, and there were crosses.

I recollect that muskets and clothing, and that copper, and knives, and chisels, and many other articles, were named in the deeds as having been paid as the consideration for said deeds. I heard Kendrick remark that he had on board one thousand prime otter-skins; he told me that he had other furs, of different qualities, and also that he had some beaver. I had considerable conversation with him, from time to time, relative to the disposition of this property, for the benefit of the owners; but I declined having anything to do with it.

In my second voyage, which was in the years 1795 and 1796, I was at Macao; and it was the current report, at that time, that an Englishman, by the name of Howell, after the accidental death of Captain John Kendrick, at the Sandwich Islands, took possession of the *Lady Washington*, her papers, and cargo, and proceeded with them to Macao. The vessel was afterwards cast away, in the Straits of Malacca, whilst under the command of said Howell. It is not known what disposition was made of the cargo.

I recollect Captain Kendrick's speaking to me of a certain deed of a tract of land, being in a square, taken of the Indians, by Kendrick, for the owners of the vessels, *Columbia* and *Washington*; and I recollect his telling me what a fine tract it was; that a pile of stones was raised up and trees marked, near the head of navigation of a river; and that one side of said square extended eight days' journey from that point, down the river; and that the square was bounded eight days' journey, on each side, one side of which was a river. I cannot positively say, but believe I have seen this deed. It was generally understood, when I was at Macao, the second voyage, that this and the other deeds were in the possession of Howell.

EBENEZER DORR.

COMMONWEALTH OF MASSACHUSETTS, } ss:
Norfolk County,

Roxbury, November 16, 1839.

Then personally appeared Ebenezer Dorr, above-mentioned, and made oath to the truth of the foregoing statement by him signed, according to the best of his knowledge and belief, before me,

JOHN J. CLARKE.

Justice of the Peace.

[II.—CAPTAIN CRUFT'S AFFIDAVIT.]

I, John Cruft, of Boston, in the Commonwealth of Massachusetts, aged seventy-one years on oath, depose and say that, in September of the year seventeen hundred and ninety, I sailed as chief-officer in the brig *Hope*, commanded by Captain Joseph Ingraham, on a trading-voyage to the Northwest coast, where she arrived, in the latter part of June, A. D. 1791; we left the Northwest coast, in October or November following, for the Sandwich Islands. Thence, we sailed for Macao, where we arrived sometime in January, 1792, to the best of my knowledge, and found Captain John Kendrick, in the brig *Lady Washington*, lying in Lark's-bay, about five leagues from Macao. After being about a month and a half in the bay, I went aboard Kendrick's vessel, the *Lady Washington*, as chief officer, where I continued about seven

months. While on board the *Lady Washington*, I saw a number of deeds, executed by Indians, on the Northwest coast to Captain John Kendrick. I remember the names of Maquinna and Wickaninish to some of the deeds; and there were several other names; and I recollect crosses or marks opposite the names. I recollect the names, and was personally acquainted with several of the witnesses of the deeds, to wit, John Williams, Chief officer of the *Lady Washington*, John Redman, the Second officer, John Stoddard, Captain's Clerk, William Bowell, the Third officer, Thomas Foster, Carpenter, John Barber, the Blacksmith, James Crawford, Gunner, William Bowles, Sail-maker, (said Bowles afterwards married my sister,) Robert Green, Cooper, and John Porter, Carpenter's-mate. I had the deeds in my hands, several times; I read the deeds, and recollect the consideration named in the deeds consisted of muskets, cloth, and articles of trade.

JOHN CRUFT.

Witness: M. CRUFT.
COMMONWEALTH OF MASSACHUSETTS, } ss:
Suffolk County,

November 18, 1839.

Then personally appeared, the above-named John Cruft, and made oath that the foregoing statement by him signed is true, before me,

G. S. BULFINCH,
Justice of the Peace.

[III.—CAPTAIN YOUNG'S AFFIDAVIT.]

To whom it may concern.

TOWAIHAE, HAWAII, June 26, 1835.

I, the subscriber, in the year A. D. 1789, commenced a residence on the Sandwich Islands. Afterwards, in Kiarakekua, on the island of Hawaii, I became acquainted with Captain John Kendrick, who commanded the schooner *Washington*, from Boston, Massachusetts, he having passed several Winters at the above island. I heard Captain Kendrick often speak of the purchases of lands, which he said he had made from Indian Chiefs, on the Northwest coast. I frequently saw deeds in his possession, signed by Chiefs, who, at that time, lived at and South of Nootka-sound, and witnessed by men belonging to his vessel, of whom I had some knowledge. Among the Chiefs whose marks were made to the deeds, I distinctly recollect the names of Maquinna and Wickaninish.

I had much intimate acquaintance with Captain Kendrick; and believed him to be a man of strict veracity; and had no reason to doubt his having made the above purchases, and his having paid, as he represented, a consideration at that

time, satisfactory to the Chiefs who had given the deeds.

JNO. YOUNG.

Signed in the presence of—

HENRY A. PIERCE, Boston, U. S.
HALL J. KELLY.

John Young is mentioned in Stewart's *Visit to the South Seas*, ii., 167:

"The Governor of Maui, the Princess, with "Miss Young, a bosom companion, daughter "of John Young, of Hawaii, the oldest foreign "resident at the island, etc."

[IV.—SAMUEL YENDELL'S AFFIDAVIT.]

BOSTON, October 30, 1838.

Samuel Yendell, of the city of Boston, in the Commonwealth of Massachusetts, aged sixty-nine years, doth, on oath, testify and declare, that, in the years of our Lord one thousand seven hundred and ninety-one and one thousand seven hundred and ninety-two, I was on board the ship *Columbia*, Captain Robert Gray, in a voyage to the North-west coast. While at Clyoquot, on that coast, in the village Wickaninish, I heard it often said that the Indian Chief Wickaninish, had sold to Captain John Kendrick his territory.

It was a current report that said Kendrick had paid said Wickaninish in guns, clothing, and copper, (these are all the things I recollect,) for the lands purchased as aforesaid.

Also, I testify that, in May, A.D. 1792, I was with Captain Robert Gray in the ship *Columbia*, at which time said ship entered the Columbia-river.

SAMUEL YENDELL.

Witness to signature: CHARLES A. YENDELL.

COMMONWEALTH OF MASSACHUSETTS, } ss:
Suffolk County.

November 1, 1838,

Sworn to by the said Samuel Yendell, before me,

S. E. SEWALL,
Justice of the Peace.

[V.—JAMES TREMERE'S AFFIDAVIT.]

BOSTON, October 30, 1838.

James Tremere, of the city of Boston, in the Commonwealth of Massachusetts, aged seventy-seven years, does, on his oath, testify and declare, that, in the year of our Lord one thousand seven hundred and eighty-nine, I was on board the ship *Jefferson*, Captain Benjamin Robinson, which sailed from Boston, in November of that year, in a voyage to the Northwest coast of America, and that while in Nootka-sound, I saw

there the sloop *Washington*, commanded by John Kendrick; and that I went on board the said *Washington*, and recollect that, while I was on board, I saw, on the deck of said sloop, the Indian Chief Maquinna, and other Indian Chiefs, making sale of lands to the said Captain John Kendrick. I likewise saw Maquinna go up to the masthead and point to distant parts of the territory, apparently with the intention of giving possession; and he did give possession. The aforesaid sale of territory was made in the year of our Lord 1791, as near as I can recollect. The Spaniards had left Nootka-sound about two months before the sale. The fort which the Spaniards had built had the appearance of having mounted twenty guns, which a seventy-four gun ship belonging to the Spaniards carried away.

his
JAMES x TREMERE.

Witness: B. B. TREMERE. mark.

COMMONWEALTH OF MASSACHUSETTS, } ss:
Suffolk county,

November 1, 1838.

Sworn to by the said James Tremere before me,

S. E. SEWALL,
Justice of the Peace.

D.

JOSEPH BARRELL TO COLBURN BARRELL.

June 18, 1795.

When I mentioned the large tract of country on the North-west coast, I did not expect much would have been said at present on that account; but I will state to you what I know of the matter, and will write Mr. John Hoskins, who is now in France, and who has been on the land, and am sure the accounts he will give of the climate and produce of it must be pleasing to any seriously one that may wish to purchase. The deeds of these lands are yet in China, where, I understand, they are registered in the office of the American Consul. They are from the Chief of the country, and contain all the authenticity that could be given of four degrees of Latitude, or two hundred and forty miles square. This tract was purchased by Captain John Kendrick, for the owners of the ship *Columbia* and sloop *Washington*, the first American vessels that ever went round the world. Of this concern, I owned something more than two-seventh parts, and, of course, am entitled to that proportion of the land; the deeds of this land have been since recognised by the natives, upon the claim of Mr. Meares. Mr. Hoskins was there on the spot, and heard the Chiefs declare they had never sold any of their lands but this tract

to Kendrick, which they declared they would abide by. * * * The Congress of the United States, nor any other power in the world, that I know of, claims any jurisdiction over them; and I suppose the title as good as can be given by uncivilized people.

E.

CIRCULAR OF BARRELL AND SERVANTES, PUBLISHED IN FOUR EUROPEAN LANGUAGES, AND EXTENSIVELY CIRCULATED.

LONDON, August 31, 1795.

SIR: We have taken the liberty to address this Circular to your Excellency as a specimen of one of our recent operations. We are forwarding the same to all parts of Europe; and, as the great object of our office and manifest tendency of all our proceedings are to promote the prosperity of the United States, we assure ourselves they will meet your Excellency's approbation, and are therefore encouraged to solicit the honor of your countenance.

We are, with the highest respect, Sir, your most obedient and humble servants,

BARRELL & SERVANTES.

TO THE INHABITANTS OF EUROPE.

The era of reason is now dawning upon mankind; and the restraints on men's laudable endeavors to be useful will cease. The Agents for the sale of American lands, therefore, take this method of informing all classes of men, in Europe, that, by application at their office, No. 24 Threadneedle-street, London, they may meet objects worthy of their serious attention. That such as wish to hold lands (though aliens) in America, may purchase, to any amount, on very low terms, and a perfectly secure tenure. * *

That such as may be inclined to associate for settling a Commonwealth on their own Code of Laws, on a spot of the globe nowhere surpassed in delightful situation, healthy climate, and fertile soil; claimed by no civilized nation; and purchased under a sacred Treaty of Amity and Commerce, and for a valuable consideration, of the friendly natives, may have the best opportunity of trying the result of such an enterprise. *

* In consequence of an expedition fitted out at Boston North America, in the year 1787, Captain J. Kendrick, while prosecuting a voyage with the natives, for furs, purchased of them, for the owners, a tract of delightful country, comprehending four degrees of Latitude, or two hundred and forty miles square. The deeds are, at present, in China, and registered in the office of the American Consul; and the Agents are authorized to treat with any gentleman, or association, for the purchase of a tract of land, no where exceeded for fertility and climate, and which may, by a prudent management of some wise institution, become of the utmost importance.

F.

SEA-LETTERS AND CERTIFICATE OF CARGO.

[I.—SEA-LETTER OF THE COLUMBIA, FROM THE
FEDERAL AUTHORITIES.]

To all Emperors, Kings, Sovereigns Princes, States and Regents, and to their respective officers, civil and military, and to all others whom it may concern:

I, George Washington, President of the United States of America, do make known, that Robert Gray, Captain of the ship called the *Columbia*, of the burden of about two hundred and thirty tons, is a citizen of the United States; and, as I wish that the said Robert Gray may prosper in his lawful affairs, I do request of all the before-mentioned, and each of them, separately, where the said Robert Gray shall arrive with his vessel and cargo, that they will be pleased to receive him with kindness, and treat him in a becoming manner; permitting him, on the usual tolls and expenses, in passing and repassing, to navigate, pass, and frequent their ports, passes, and territories, to the end, that he may transact his business where, and in what manner, he shall judge proper; and, thereby, I shall consider myself obliged.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and have hereunto set my hand, at the city of New York, the sixteenth day of

September, in the year of our Lord,

[L.S.] one thousand, seven hundred and ninety.

G. WASHINGTON.

By the President:

TH. JEFFERSON.

[II.—SEA-LETTER OF THE COLUMBIA, FROM THE
STATE AUTHORITIES.]

COMMONWEALTH OF MASSACHUSETTS.

By His Excellency John Hancock, Esq., Governor of the Commonwealth of Massachusetts. To all who shall see these presents, greeting:

It is hereby made known, that leave and permission has been given, by the Naval officers, to Captain Robert Gray, Master and Commander of the ship *Columbia*, now lying at Boston, within this State, to depart from thence, and proceed, with his ship and cargo, on a voyage to the North-west coast of America; and that the said ship and cargo belong to Joseph Barrell, Esquire, and others, gentlemen of character and reputation, citizens of this Commonwealth, being one of the thirteen United States of America.

Now, in order that the said Master may prosper in his lawful affairs, it is earnestly requested and recommended to all who may see these presents, at whatever port and place said Master, with his vessel and cargo, may arrive,

that they would please to receive him, the said Master, with goodness; afford him all such aid and assistance as he may need; and to treat him in a becoming manner, permitting him, upon paying the usual expenses in passing and repassing, to pass, navigate, and frequent the ports, passes, and territories, wherever he may be, to the end that he may transact his business where, and in what manner, he shall judge proper, he keeping and causing to be kept, by his crew, on board, the Marine Ordinances and Regulations of the place where he is trading.

Given under my hand and the seal of the Commonwealth aforesaid, this twenty-fourth day of September, A. D. 1790, and
[L.S.] in the fifteenth year of the independence of the United States of America.

JOHN HANCOCK,

By his Excellency's command:

JOHN AVERY, Jr., Secretary.

[III.—CERTIFICATE OF THE CARGO OF THE CO-
LUMBIA.]

UNITED STATES OF AMERICA.

District of Boston and Charlestown, in the Commonwealth of Massachusetts.

These certify all whom it may concern, that Robert Gray, Master and Commander of the ship *Columbia*, burden two hundred and twelve tons or thereabouts, navigated with thirty men, mounted with ten guns, has permission to depart from this Port with the following articles, viz: two thousand bricks, six chaldrons sea-coal, one hundred and thirty-five barrels beef, sixty barrels pork, three hogsheds N. E. rum, two hogsheds W. I. rum, five hogsheds molasses, five barrels sugar, ten boxes chocolate, two hundred and twenty-eight pounds coffee, seventy-two pounds Bohea-tea, six casks rice, twenty barrels flour, twenty-seven thousand pounds bread, six firkins butter, five hundred pounds cheese, thirty barrels tar, thirteen barrels pitch, thirty packages of merchandise, six tons bar-iron, twenty hundred bar-lead, fifteen hundred pounds gunpowder, three hundred pounds small shot.

Given under our hands and seals, at Boston aforesaid, the twenty-fifth day of September, in the year of our Lord one thousand seven hundred and ninety.

B. LINCOLN, Collector. [L. S.]

JAMES LOVELL, Naval Officer. [L. S.]

G.—CORRESPONDENCE OF THE GOVERNMENT WITH
THE OWNERS OF THE SHIPS.

Boston, November 28, 1816.

SIR: In consideration of a desire expressed

by the President, that search should be made for proofs of Captain Kendrick having purchased lands of the Indians, on the North-west coast of America, I have examined Mr Barrell's papers and made inquiry of several persons who have been on the coast, all which proves, in the most satisfactory manner, that Captain Kendrick did make several purchases of the Indians, of lands, on that coast, for the owners of the *Columbia* and *Washington*, whose vessels were under his command. Captain Kendrick's letters and those of Mr. Howell, who was with him until he died, and took possession of all his papers, deeds, etc., explicitly declare that Captain Kendrick made several purchases of lands from the Indians about Nootka-sound, and for a distance of four degrees; and that there were regular deeds drawn up, and signed by a number of Indian Chiefs, conveying those lands to the owners of those vessels. These facts are corroborated by the evidence of several persons, now here, some of whom were present, as they state, when possession was given to Captain Kendrick, by the Chiefs, and who saw the deeds, and heard the Indians acknowledge that they had sold large tracts of lands to Captain Kendrick, and afterwards say, that they had never sold lands to any other person. The lands were taken possession of with much formality, the American flag hoisted, a bottle sunk in the ground, etc., and many Chiefs present at the ceremony.

From a variety of circumstances, the deeds for the above lands never reached this place. Mr. Howell, who had them in his possession, after the death of Captain Kendrick, writes from Macao, in 1796, to Mr. Barrell, in reply to a letter of Mr. Barrell, in which he requests him to send forward the deeds, saying that he then had the deeds; that they are recorded, there, by a Notary-public, and triplicates made out; and that the originals shall be sent forward. As late as May, 1798, Mr. Howell writes to Mr. Barrell, from Manilla, that "he is in daily expectation of his papers, and among them "your deeds of the lands on the North-west coast: you shall certainly have them transmitted." The officer of the ship *Columbia*, who first landed and, by orders of his Commander, took possession at Columbia-river, is now here, and recollects all the circumstances of hoisting the American flag and planting some New England pine-tree shillings under a tree; naming the river after the ship, and the two capes, one the Hancock, the other Adams; etc. It is believed that the deeds of this land were registered in the Consulate, at Canton, as Colonel Perkins thinks he saw them there, in the hands of Mr. Randall, Vice Consul. Should the Government deem it proper to

make further inquiry into this business, much evidence can be found here, to substantiate the above statement; and the owners are taking means to procure from China, or from Bengal, where Howell is supposed to have died, the original deeds or authenticated copies of them: they are desirous of giving all aid to the Government. I would, with due diffidence, submit to your consideration, whether the best way to obtain well-authenticated evidence, would not be to require Judge Davis of this District, who, from his disposition to make researches in such things, is better qualified than perhaps any person here, to make such inquiries as Government may think requisite to be made. I do not propose this to avoid trouble, feeling myself bound to render any service in my power. I shall gratefully receive your commands, being, with very high respect, your obedient servant,

B. Jox.

HON. JAMES MONROE, Esq.,
Secretary of State.

WASHINGTON, December 1, 1817.

DEAR SIR: I shall deem it a particular favor if you will have the goodness to forward to me, as soon as you conveniently can, copies of the papers relating to the purchase of lands from the Indians, on the North-west coast of America, and of the journal of the vessel, which you were good enough to lend me for my perusal when I had last the pleasure of seeing you at Boston.

I am with great respect, Dear Sir, your very obedient servant,

JOHN QUINCY ADAMS.

CHARLES BULLFINCH, Esq., Boston.

IV.—A NAVAL HISTORY OF RHODE ISLAND :—CONTINUED FROM PAGE 102.

By HON. J. RUSSELL BARTLETT.

XVII.

MORE TROOPS SENT TO CROWN POINT. EMBARGO LAID. BRADDOCK'S DEFEAT. REINFORCEMENTS TO BE SENT TO THE NEW ENGLAND ARMY. DEFEAT OF THE FRENCH, AT LAKE GEORGE. CONVENTION OF THE COLONIES. THE KING'S COMPLIMENTS TO RHODE ISLAND FOR HER AID IN THE WAR.

The encroachments of the French was the watchword used by the Ministry and their agents in America to rouse the Colonies to action. "They have long since marked out for

"themselves," writes Governor Shirley to Governor Greene, "a large empire upon the back of this Continent, extending from Cape Breton to the Gulf of Mexico, and comprehending the country between the Apalachian Mountains and the Pacific Ocean, with the numerous powerful tribes of Indians inhabiting it; and they are now finishing the extreme parts by a communication between Louisbourg and Quebec, across the Isthmus of Nova Scotia and Bay of Funday, at one end, and a junction of Canada with the Mississippi, by a line of forts, upon the great lakes and rivers, at the other."

The four Companies of troops ordered to be raised for the expedition against Crown Point were placed under the command of Colonel Christopher Harris. The Commissary was Christopher Champlin. The most liberal pay was allowed, in addition to a bounty of twenty pounds, to such soldiers as were provided with a good firelock. An Act was passed to restrain the sending of provisions and warlike stores to Cape Breton or any other French port or settlement in North America; and another to take up and secure all Frenchmen found within the Colony, in the fear that they might convey intelligence to their countrymen of the proceedings of the English.

While these preparations were going on, the news came of the defeat of the English forces, under General Braddock, at Fort Du Quesne, and caused the greatest alarm throughout the Colonies. Renewed exertions were to be made to check the further progress of the French; and, in August, the Assembly voted to raise an additional force of three Companies of fifty men each, for the Crown Point expedition. These levies were soon made and sent, with great dispatch, by land, to Albany, with orders to join Colonel Harris's command. A protest was filed by seven members of the Assembly, against the raising of the additional troops; as they believed the four hundred, previously sent, were the Colony's full quota, and were "unwilling to load their constituents with a burden which they thought exceeded their ability to bear." An additional twenty-thousand pounds was voted to be issued, in Bills of Credit, towards defraying the further expenses of the Crown Point expedition.

Fearing that vessels destined for foreign ports might be carrying provisions to the French, and that these provisions would be required for the English troops, six vessels, which lay in Newport harbor, laden with provisions, destined for the West Indies and Africa, were embargoed; and the Committee of War was empowered, by the Assembly, to take from them, for the use of the Government, so much as they deemed ne-

cessary for the troops. About the same time, a letter was received from Governor Phips, of Massachusetts, transmitting a communication from Admiral Boscawen, relative to the state of the town and garrison at Louisbourg, which confirmed him in the opinion that the French had been supplied by the English Colonies with provisions. A Committee was appointed to investigate these charges, as far as they related to Rhode Island; who, after a rigid investigation, reported that the charge of vessels having sailed from Newport, with provisions destined for the French, was "absolutely without foundation."

In September, advices having been received from Major-general Johnson, commander of the forces employed in the expedition against Crown Point, that the French were in a condition to bring into the field a much larger force to oppose that enterprise than the Colonies had, at that time, raised to carry it out, an Act was passed by the General Assembly, to raise two hundred more men, to reinforce the English army.

Before these latter reinforcements joined the main army, a battle had been fought, near Lake George, between the Colonial troops, six thousand strong, under the command of General Johnson, and the French army of three thousand, commanded by Baron Dieskau, in which the latter was defeated. The battle was a severe one, and resulted in a loss, to the Americans, of three hundred, and about thrice that number to the French. Johnson was wounded, early in the fight, and carried from the field, leaving General Lyman in command. Dieskau was mortally wounded, and taken prisoner. The remains of his army fell back upon Crown Point. This was the most important battle yet fought, between the English and French, in their struggle for empire, in America. General Johnson was knighted for the action; and Parliament voted him five thousand pounds.

The Rhode Island troops engaged in this campaign, or on their march to the field of operations, numbered seven hundred and fifty men, divided into eleven Companies. To sustain so large a force, required more means than the Colony had at its command; and the only alternative was a farther issue of paper-money, to the amount of sixty-thousand pounds, under the name of Crown Point Bills.

Although the war had waged on land, there does not appear to have been such struggles at sea, as in the former wars; at least there is no record that privateering was carried on as extensively. The people may not have been prepared; besides, the military resources of the Colony were so heavily taxed for the Crown

Point expedition, that the Navy had not time to assume its former high standing. The system of privateering was early resorted to, in Europe; and the Channel ports were filled with prizes taken from the French. A vessel belonging to the Marquis de Lambertie, which had put into Newport, in June, was seized and condemned by the Court of Admiralty, and the Marquis was thrown into prison, under the Act before mentioned, requiring all the subjects of the French King to be so dealt with. He was afterwards sent to England, where he complained of the treatment he had received in Rhode Island; but the Government did not think it proper to make him any redress.

In order that the English Colonies might act in concert, in their efforts to repel the French, they appointed Commissioners to meet Major-general Shirley, Commander of His Majesty's forces in North America. Governor Hopkins and Daniel Updike were appointed on the part of Rhode Island. The Act authorized them to "concert measures for "subsisting the troops now in the field and for "the campaign; to agree upon the proportion "or quota of troops to be furnished by each "Colony," etc., etc.

The promptness with which the Colony had acted, in raising and sending forward troops for the expedition against Crown Point, gave great satisfaction to the Ministry. Secretary Robinson, in writing to Governor Hopkins, under date of November 11, says: "I have received "the King's command to express to you His "Majesty's sense of the great zeal and spirit "which the Colony under your government "has so strongly manifested, in so cheerfully "and effectually promoting this necessary and "important service." The King farther orders "that this letter be communicated to the "Council and Assembly, that they be acquainted that His Majesty will take an early opportunity of laying the particulars of their meritorious conduct, upon this great occasion, "before Parliament," etc., etc.

Owing to the lateness of the season, the reduction of Crown Point was abandoned by General Shirley; and the larger portion of the troops returned. Of the Rhode Island contingent, one hundred and eighty-five were retained in the service, of which a portion was to remain at the garrisons of Fort Edward and Fort William Henry, near Lake George. The remainder were discharged. Several of the Colonial Assemblies expressed disappointment with the result of the Crown Point expedition, and lost confidence in the Commander-in-chief; nevertheless, Rhode Island continued her preparations, during the Winter, for another

campaign; and the General Assembly, at its February Session, passed a vote to raise a Regiment of five hundred men, exclusive of officers, to be divided into two Companies, including those that remained at Fort William Henry. Christopher Harris was appointed Colonel, and Christopher Champlin their Lieutenant-colonel. The Assembly also passed a vote of thanks to Major-general Johnson and Captain William Ayre, Chief-engineer, "for their good services in defence of the several Governments of New England, during "the late expedition against the French and "Indians."

During the Winter, communications were kept up with the troops left at Fort William Henry, which made one-third the effective garrison, there. Commander Gleason, in writing to Governor Hopkins, says that Captain Whiting, of Rhode Island, is Adjutant of the garrison, and highly commends all the officers belonging to the Colony. Letters from Sir Charles Hardy, Governor of New York, were received, stating that New York had voted to raise a thousand men for the approaching campaign; and General Shirley, in his communication, urged upon the Colony the utmost dispatch in preparing for prosecuting the war, in the most effectual manner. The Assembly, in order to furnish the means for carrying on the war, passed an Act to issue eight thousand pounds, equal in value to the lawful money of the Colonies of Massachusetts Bay and Connecticut. In silver, their value was stated at six shillings and eight pence to the ounce. It was further enacted that all the money received from Great Britain, for defraying the expenses of the war, should be appropriated to sinking the paper-issues, called "Crown Point Bills," and, after this, towards sinking the eight thousand just ordered to be issued. Thus it appears that, while the Colony was ready to issue paper-money to fill its treasury, it ever manifested the most earnest desire to redeem its issues. This desire was farther manifested by a vote that the whole of the seventy thousand pounds, rate assessed on the inhabitants of the Colony should be appropriated towards sinking the Bills of Credit emitted by the Government for carrying on the expedition against Crown Point.

To rebuild Fort George, in Newport harbor, and place it in a state of defence, an additional five thousand pounds were appropriated.

In March, advices reached the Colony from Mr. Fox, the Secretary for the Colonies, that General Shirley had been superseded as Commander of the forces; and that the Earl of Loudoun was appointed in his place. The King

through his Secretary, pressed the Colony, in the strongest manner, to "make early and effectual provision for raising, and assisting His Majesty's Officers to raise, sufficient men to recruit the several Regiments in North America up to their full establishments." As a further inducement for men to enlist, each was to be allowed a Grant of two hundred acres of land, in either the Province of New York, New Hampshire, or Nova Scotia, at their own choice. The Governor was directed to "acquaint the Assembly with His Majesty's great goodness in having recommended their case to Parliament, who have granted one hundred and fifteen thousand pounds to be distributed, in such proportion as the King shall think proper, to the four Provinces of New England and to those of New York and New Jersey; and thereby enabled His Majesty, not only to manifest his sense of their past services, but, also, to encourage them, for the future, to exert themselves in the service with spirit and vigor." It was gratifying to the Colonists thus to know that their services had been appreciated; and, not the less so, in finding that, in ordering a new Regiment to be raised for the Crown Point expedition and in providing money for its support, they had anticipated the wishes of their Sovereign.

XVIII.

THE COLONY PREPARES FOR A NEW CAMPAIGN AGAINST CANADA. ENGLAND, THROUGH HER SECRETARY, WILLIAM PITT, CALLS UPON RHODE ISLAND FOR MORE TROOPS AND SEAMEN. THE CAMPAIGN AGAINST THE FRENCH RENEWED. AN EMBARGO LAID. THE EARL OF LOUDOUN, COMMANDER-IN-CHIEF. PRIVATEERS. COMPLAINTS OF THEIR UNLAWFUL SEIZURES OF SPANISH AND DUTCH VESSELS. RHODE ISLAND SHIPWRIGHTS TAKEN PRISONERS AT OSWEGO.

With the opening of Spring, a hundred additional soldiers were raised to reinforce the Rhode Island troops destined for the expedition against Crown Point; and the most active preparations for the campaign were made in the other Colonies. Our little Colony, with the promptness which has ever characterized her, in times of emergency, did not wait for orders from England, to prepare for the War, nor did she need to be urged to furnish men, as was necessary with some of her sister Colonies. The General Assembly, at once, voted to raise troops for another campaign; and she came nearer up to her quota than any other Colony, as General Winslow wrote Governor Hopkins.

Secretary Fox, in a letter to Governor Hopkins, recommended the granting of Commis-

sions, in the army, to German, Swiss and Dutch settlers, many of whom had served as Engineers in their own countries; as it was believed that foreigners, of whom there appears to have been many in the Colonies, would more readily enlist under such, than under English officers.

The Colony was not inactive, at this time, although she was greatly involved by the heavy expenses already incurred in the expedition for the reduction of Crown Point, to refund which, her Agent, in London, had made demands on the Government. Seamen were urgently called for, by General Shirley, for manning the ships, at Halifax, without whom, he writes that it will be impossible for His Majesty's ships to protect the Colonies; and adds, that he has thus taken the liberty to call on Rhode Island, for these men, "by the knowledge of the ready assistance the Colony has always so laudably given His Majesty's forces on the like occasions."

Sir Charles Lawrence, soon after, wrote to Governor Hopkins that many of the French inhabitants of Nova Scotia, distributed among the different Colonies, had procured vessels and embarked on board them, in order to return, by coasting from Colony to Colony. Sir Charles, believing that the return of these people would endanger the security of the Province, urged upon Governor Hopkins the necessity of detaining any in such vessels as might be in Rhode Island, or might attempt to pass through it.

The news of the taking of Oswego, together with the large naval armament and stores there, by the French, under General Montcalm, created great alarm in the Colonies, and led to renewed exertions to expel this dangerous enemy. Lord Loudoun called upon the Colony for more troops, carriages, and ox-teams, to transport provisions. One can hardly refrain from smiling, in these days of railways and steamboats, at the idea of using ox-teams, as a means of transport, when an army, with its supplies, can be transported as far, in one day, as it could have been, during the old French war, in two or three weeks.

Soon after this disastrous event, news came that the French army from Canada was advancing towards the English settlements. Massachusetts was about to raise six hundred men, in addition to whom a thousand were ordered to be raised in the western part of the Province all for the relief of the Provincial forces then engaged in the Crown Point expedition. The General Assembly of Rhode Island was called together, and an Act passed, for raising four hundred men, to be sent to Albany, as a farther reinforcement of the army.

While this activity prevailed in raising forces to repel the advance of the enemy, by land, the same spirit of enterprise which existed in former wars was awakened, anew, to maintain a superiority at sea. Many privateers were fitted out, which scoured the coast and extended their cruising ground to the West Indies, where a wider field for their operations was presented. One of these, the *Foy*, of eighteen guns, with a crew of a hundred and eighty men, commanded by Captain Dennis, sailed for the Spanish main, and was never heard of, after.

To prevent the French getting a supply of provisions from the Colonies, an Act was passed, prohibiting the exportation of provisions from any place within the Colony, to any Dutch or neutral ports. This Act further provided, that, if any Master or Owner of any vessel should "willingly suffer any collusive capture to be "made of his cargo, should forfeit all his real "and personal estate."

In order to agree upon a plan to prosecute the war against the French, the Earl of Loudoun addressed a letter to the Colony, requesting that it would send Commissioners to meet him, in Boston. The Assembly lost no time in complying with the request of His Lordship, and in appointing James Honeymen and George Bourn, Commissioners, and instructing them to lay before him the condition of the Colony with reference to its fortifications, cannon, and military-stores, together with a statement of its means for carrying on the war. They also passed an Act for building an armed vessel to guard the coast, and for raising and paying four hundred and fifty troops for the ensuing campaign. Samuel Angell was appointed to the command of this Regiment.

On the fourth of February, 1757, William Pitt, then Secretary of State, thus wrote to Governor Hopkins: "The King, having nothing "more at heart than the preservation of his "good subjects and Colonies of North America, "has come to a resolution of acting with the "greatest vigor in those parts, in the ensuing campaign; and all necessary preparations are making for sending a considerable "reinforcement of troops, together with a "strong squadron of ships, for the purpose, "and in order to act offensively against the "French."

Secretary Pitt urged the immediate calling together of the Assembly, that they might order to be raised, with the utmost expedition, a considerable body of troops to be placed under the command of the Earl of Loudoun. A fortnight later, advices were received from Pitt, stating that Rear Admiral Holbourne had been placed in command of the squadron,

before-mentioned; and that if the Colony desired any assistance, application might be made to this officer. The Colony was directed to employ vessels to communicate with the squadron, and to furnish the Admiral with any information that could be obtained, relative to the movements of the enemy. As on former occasions, Secretary Pitt hoped that, whenever the commander of any of His Majesty's ships applied for seamen to recruit the ships, on the North American station, the Colony would furnish them.

Lord Loudoun, soon after, communicated with Governor Hopkins, from New York, recommending the Colony to make vigorous preparations for offensive operations, and advising that an embargo should be laid on the several ports in the Colony, without which he should be unable to carry out his plans. A similar embargo, His Lordship stated, had already been laid in New York. He also desired that the Governor would furnish a full account of all the vessels in port, with the view to employ them as transports. The season having now sufficiently advanced for active operations, Lord Loudoun directed that the Rhode Island forces, which consisted of five Companies, under Colonel Samuel Angell, should be sent, by water, with all expedition, and cantoned in the villages near Albany.

The embargo, which had been laid in the northern Colonies, by order of Lord Loudoun, gave great dissatisfaction, and was, soon after, removed, as far as shipments of corn and other grain were concerned to Great Britain and Ireland, owing to the failure of these crops, in those countries; at the same time, the Colonies were directed to give encouragement and assistance to persons engaged in purchasing and shipping grain to any of His Majesty's dominions in Europe.

The Earl of Loudoun, who was now about to relinquish the command of the Northern army, called upon Rhode Island to send one hundred and fifty men as a reinforcement to Major-general Webb, who was in command of the Colonial forces, at and near Albany, a request which was promptly complied with.

The many privateers which had been fitted out in the Colonies, as usual, in times of war, now gave much trouble, on account of their interference with the commerce of nations with which Great Britain was at peace. The Earl of Holderness, now Secretary of State, addressed a letter to the Governor of Rhode Island, complaining, in the strongest terms, of "the piratical behavior of several privateers, "fitted out in North America, against the "Spaniards, in the West Indies," with which nation Great Britain was at peace. His Lord-

ship particularly referred to the *Peggy*, Hadden, Master, of New York, and to a privateer from Halifax, which vessels had been guilty of acts against the Spaniards, "not only contrary to "all humanity and good faith, but to the "general instructions given to privateers." The Governor of Rhode Island was directed to detain these vessels, in case they should put into Newport. He was further instructed, with reference to any future Commissions given by him, to privateers, as well as to all privateers from other Colonies, which might come into the ports of the Colony.

A complaint of a more serious character against a privateer commissioned by Rhode Island, commanded by Isaac Hopkins, was made to the Governor, by Jan de Wenut, Governor of the island of St. Eustatius, in the West Indies, belonging to the Dutch. In his letter, the Dutch Governor states that Captain Hopkins, in a private brigantine-of-war, seized and carried off a ship, with a valuable cargo, belonging to gentlemen of that island, subjects of the States of Holland. That he, the said Hopkins, aided by one Richards, of Antigua, took possession of her, "in sight of an English port, into which "they might have carried her: but that, finding "her papers and proceedings regular, and "despairing of success, in that port, carried her "away to Auguilla, twenty leagues distant, in "hopes of taking some advantage from the "inexperience of persons, in trust there, in "regard to the laws." The Judge here, it seems, refused to libel the ship without first sending to Antigua for the advice of Counsel. Upon this, they pretended to send to Antigua, and, in the meantime, advised the Captain of the captured vessel to go to St. Eustatius to advise with the owners, there. This, in the belief of the Governor, was but a concerted scheme to enable the captors the more easily to run away with the vessel and to prevent the owners from pursuing and retaking her. Under these circumstances, de Wendt had granted a flag of truce to Captain Bappel, Master and part owner of the Dutch vessel, to proceed to Rhode Island, and demand the restoration of the ship and cargo. He also called upon the Governor of Rhode Island to "protect Bappel "and aid him in the recovery of the damages "he had sustained" from the privateer or their sureties.

But the complaint of the worthy Dutch Governor against the Colony did not end here, for he adds that he shall take the opportunity, thus afforded, to communicate with the Governor, to acquaint him of the cruel treatment he had met with from a privateer, from Rhode Island, whereof Nathaniel Sweeting was Commander, in having a vessel taken and carried into New

Providence. The cargo, he further asserts, though his own property, had been condemned as French, without having any other evidence for it, as appeared by the statement of the case, sent him by the Judge's authority, than it being consigned to a Frenchman. Furthermore, he states that four thousand, nine hundred, and fifty pieces of eight (\$4950) in cash, the property of the owner, Mr. Neuville, a Dutch merchant, in Amsterdam, were taken. "Such proceedings as these," concludes de Wendt, "against neutral powers, upon a legal "trade, will not bring any honor on the English Government; and when they are properly "represented, as they shall be, and come to "appear before higher powers, will, no doubt, "meet with their just resentment; and the "owners of that privateer may rely upon it, I "will never give the point up till I have justice "done me."

XIX.

SLAVES NOT TO BE SHIPPED BY PRIVATEERS.

RHODE ISLAND SHIPWRIGHTS TAKEN PRISONERS, BY THE FRENCH, AT OSWEGO. COMPLAINTS AGAINST PRIVATEERS. DEFEAT OF THE ENGLISH, AND CAPITULATION OF FORT WILLIAM HENRY. FRENCH PRISONERS IN NEWPORT. ADMIRAL COLVILLE CALLS FOR SEAMEN, AND SECRETARY PITT FOR MORE TROOPS.

It appears that the Commanders of privateers and Masters of other vessels were in the habit of taking away slaves from the Colony, without the consent of their owners, which had occasioned not only much inconvenience, to them, but, often, loss. In consequence of this, an Act was passed by the General Assembly imposing a penalty of five hundred pounds upon any one who should knowingly carry off a slave. Owners of slaves were authorized to go on board privateers or other vessels, and search for their missing slaves, opposition to which, by the Masters, rendered them liable in the same penalty as though they had carried them off.

It will be remembered that Fort Oswego was taken by the French, under General Montcalm, in 1756; but the records of the period make no mention what troops or other men were taken prisoners, by them. By a letter from Governor Pownall of Massachusetts to Governor Greene, dated August 4, 1757, it appears that, among the prisoners, were a number of shipwrights and other artificers, sent from Rhode Island, and employed by General Shirley in building vessels and erecting defences, at that place. These men were taken to Quebec, and, from thence, sent, in a cartel ship, to England. Governor Pownall writes: "Upon application to "the Lords of the Admiralty, in behalf of these

"poor people, their Lordships, in consideration of their sufferings, were pleased to direct that they should be borne on board His Majesty's ships and take their passage therein to their own country. They are recommended to me. I cannot but esteem it my duty to do everything in my power to assist people who have deserved so well of their country and suffered in its service. I have, therefore, advanced them subsistence to carry them to their respective homes.

"It were impertinent in me to recommend those who belong to the Colony of Rhode Island to your Honor's care and protection.

"I cannot but presume, from the justice of their employers, that there will be no need to seek your Honor's assistance in helping them to their pay and other dues, which they claim from those who engaged them in the service.

"I am, with the most profound respect,
"T. POWNALL."

The names of the Rhode Island prisoners, thus restored, were John Tarbox, Mat. Thompson, Robert Hart, Thomas Goddard, Jos. Peterson, Rufus Church, Samuel Mott and Edward Channel. Ten years after, the claims of these men were brought to the notice of the General Assembly, when the subject was referred to a Committee, who reported, at a subsequent Session. This Report contains the names of the men referred to, with a statement of the period for which wages were due to them. Their periods of service extended from thirteen to forty-five months, reckoning from the time of their engagement to their return from imprisonment to their homes. The Committee reported in favor of allowing the claim; and Governor Ward was requested to write to the Agent of the Colony, in London, directing him to apply to the Government, to pay these men, in conformity with the Report of the Committee which had examined their several accounts. By this, it will appear that, as early as the year 1756, in the struggle between England and France, for empire in America, and particularly for supremacy on Lake Ontario, Rhode Island sent her shipwrights and artificers to build ships and construct fortifications at Oswego, as she did, fifty-six years later, in the War of 1812 with Great Britain, when she sent her shipwrights and artificers to build the fleet, on Lake Erie, with which another of her sons, Oliver H. Perry, in command of those vessels, destroyed the British fleet, on the thirteenth of September, 1813.*

*We incline to the belief that our friend, the author of this History, has here made a claim which is a little broader than the facts would justify. Those mechanics, except a few riggers, were sent, if the contemporary authorities spoke truly, from the Brooklyn Navy-yard, and were New York mechanics.—EDITOR HISTORICAL MAGAZINE.

The French, in Canada, had not been inactive while the English were concentrating their forces, at Albany and Fort William Henry, for the purpose of making a demonstration against them; and had collected a large force of Canadians and Indians, in addition to the Royal troops. In June, the Earl of Loudoun, with a large body of troops, left New York for Halifax, there to join the British fleet, and, with their united forces, make an attempt to recover Louisburg. No sooner, however, had this large force taken its departure, than General Montcalm, who was in command of the French Army of the North, made a simultaneous attack on the several posts, occupied by the English, near Lake George. With an army of eleven thousand men, including French Regulars, Canadians, and Indians, Montcalm laid siege to Fort William Henry, then garrisoned by five hundred men, under Colonel Monroe, with a further detachment of seventeen hundred entrenched near him. At this time, General Webb lay at Fort Edward, fourteen miles distant, with four thousand men, among which were the Rhode Island troops. But they did not go to the relief of the besieged, under the impression that the French force was much larger than it really was. The English held out for six days, when, after one-half their cannon had been burst or dismounted and their ammunition nearly exhausted, Colonel Monroe capitulated. The English were permitted to depart, with the honors of war, on a pledge not to serve against the French for eighteen months.

Upon the application of the Earl of Loudoun, an order was given to place at the disposal of His Lordship, a Company of seventy men, who were to be drawn from the Rhode Island Regiment, by Colonel Samuel Angell, and remain with Lord Loudoun during the Winter. The Council of War were authorized to provide and send transports to Albany, to bring home the troops which had been engaged in the campaign.

Towards the close of the year, renewed complaints were made, by Secretary Pitt, of "violences and depredations committed by His Majesty's subjects in America, against those of Spain," which had been viewed by him with "the highest disapprobation." To check these practices, the Governor was directed to enforce, with the utmost rigor, the observance of the instructions to privateers, and to employ great care and diligence, in order to prevent all excesses, such as were alleged to be committed, in violation of the freedom of navigation of the subjects of Spain. The precise nature of the charges, here referred to, does not appear; but it is evident that the privateers commissioned

by Rhode Island, which swarmed in the West Indian seas, had not stopped to enquire whether it was a French or a Spanish vessel, which they boarded, as long as it was a prize of value. These they took to various West India ports, where they were condemned and sold, and the proceeds turned into cash. Few of these were taken to Rhode Island; and the only evidence of the success which attended a cruise was a valuable return to the owners, in silver and gold, or of valuable merchandise.

The loss of Fort William Henry and the utter defeat of our troops caused the greatest consternation throughout the Colonies; but it was too late to attempt anything new, and the Colonial forces were placed in the Winter establishment. The General Assembly, however, passed an Act to enlist, anew, two hundred and fifty men, for the Winter, from those who were returning from Albany—a measure which gave great satisfaction to Lord Londoun. In his letter to Governor Greene, that nobleman, in referring to this subject, says: "The Resolution of your Assembly is extremely handsome, and must do honor to your Province, and I think shows a right spirit for the public service, and is worthy of imitation in other Provinces."

The better to provide for the protection of the trade of the Colony, the Assembly voted to build a vessel of war. During the same Session, a Memorial was presented, from the merchants of Providence, asking that an application be made to the King for the appointment of a Judge of the Court of Vice Admiralty for the Colony. The Memorialists represented that the merchants had become large adventurers, in private ships of war; and that the property brought in by such vessels could not come into the hands of their owners, until first adjudged and condemned by a proper Court of Vice Admiralty; that there was only a Deputy in the Colony, who was so much limited and controlled by his superior, who lived out of the Colony, that great damages, delays, and inconveniences resulted therefrom.

[TO BE CONTINUED.]

V.—FLOTSAM.

[These scraps have been picked up in various places and brought to this place, "as they are," without any voucher for their correctness, and with no other object than to secure for them the attention of our readers.

We invite discussion concerning each of them; and if any of them are incorrect or doubtful, we invite corrections.—EDITOR HISTORICAL MAGAZINE.]

THE BOSTON BAR—RECOLLECTIONS OF SIXTY YEARS AGO.—The foremost lawyers of the New England bar, at the beginning of this century, were Sullivan, Dexter, Parsons, Otis and Pres-

cott. Governor Sullivan was then sixty years old, Samuel Dexter not quite forty, and Harrison Gray Otis only thirty-five. William Prescott, father of the historian, was four years younger than Dexter; and Theophilus Parsons stood mid-way between the two. Of all these, the last-named only has left anything like permanent fame.

Theophilus Parsons never had his superior at the bar nor his equal on the bench, in Massachusetts. When he took his seat on the latter, in 1806, business had so accumulated on the County Dockets that few cases could come to trial in less than three years. Judge Parsons resolved that the Dockets should be cleared. No delays were allowed; the cases took their turns; and counsel and clients were made to understand that they must go to trial, when called. A new face of things was soon visible in the Courts; and all but the lawyers were satisfied. They said that the Chief-justice was arbitrary and overbearing, especially as he would never permit an argument to be made to the Jury unsupported by evidence. He stopped Mr. Dexter in argument, one day, on the ground that he was trying to persuade the Jury of that for which there was no evidence. The latter became quite angry, and replied: "Your Honor did not argue your own cases in the way you require us to." "Certainly not," was the reply, "but that was the Judge's fault, not mine." In a trial of importance, in Boston, Mr. Otis offered some testimony, which Judge Parsons ruled out. The former submitted, but, in his argument, was beginning some allusion to it, when the Judge said, "Brother Otis, that will not do: you know that evidence was ruled out." But it was very important to the case; and, shortly after, Mr. Otis referred to it, again.

Then Judge Parsons said, "Mr. Otis, please understand and remember that fact is not in the case, and is not to be brought in, thus indirectly." Mr. Otis again submitted and apologized; but, with characteristic pertinacity, before long, again ventured upon an allusion to it. "Sit down, Mr. Otis, sit down, sir," was the stern command; and, without permitting him to say anything more, the Judge arose and charged the Jury. At Worcester, the lawyers determined to resist the innovation.

Frank Blake, the leading Barrister of the County, was the Chief-justice's intimate friend. "Stop a moment, Brother Blake," interposed Chief-justice Parsons. "What points do you propose to present to the Jury on this evidence?" "I will, if your Honor pleases, state them to the Jury." "No; you must state them to the Court, first." "I decline doing so, may I please your Honor; I insist on my right to address the Jury in my own way." "Certainly, if

"you address them at all, you may address them in your own way—and there can be none better; but I must first know whether you have any case to speak about. I do not now see one, but perhaps you may point one out." "I will endeavor to do so to the Jury." "No, you must do so first to me." "This I positively decline." "Very well, with any view of the case I can now take, you will waste the time of the Jury, the Court and the County, by any argument." Mr. Blake then arose, and, turning to the Jury, began; "Gentlemen of the Jury,"—when the Judge instantly said: "Mr. Sheriff, commit Mr. Blake to close jail;" and quickly arose and began charging the Jury. The Sheriff approached Mr. Blake, who rose to follow him; but the Judge, interrupting his charge, said to the Sheriff, "Stop, sir, a few moments," and went on and gave the case to the Jury. He then turned to the bar and said; "Brother Blake, will you go to jail now, or wait until you have got through with some of your cases?" "I think," said Blake, "if it is all one to your Honor, I will wait a little." The Judge attended an evening supper party at Mr. Blake's house, when Court adjourned; and the awkward scene narrated did not diminish the jollity of the gathering. Still the bar would not yield.

At Taunton, Massachusetts, Mr. Burgess, of Rhode Island, entered into the combat. He came dressed with the elegance and nicety of a gentleman of the old school—silk stockings, knee-buckles, breeches, lace ruffles, and powdered hair. He too, was an old personal friend of the Judge, and had been sent for to do what could be done to gain a cause. A scene similar to the Blake affair occurred. By this time, it was ascertained that, if the points were asked for by the Court, they must be given. Mr. Burgess so far yielded, therefore, as to state one.—"That is no point at all, Brother Burgess. Have you not one?" "Yes, your Honor," and stated it. "You have not a particle of evidence for that point, as you very well know, Brother Burgess: what other?" And so the thing went on, until the Judge flatly refused to let him speak. "May it please your Honor," said Mr. Burgess, "I think I have a good case, an excellent case, and I believe I can satisfy the Jury of it; and I demand, as a matter of right, permission to try." "A very good case you have, no doubt, Brother Burgess: but, unluckily, no evidence, and, therefore, nothing to go to a Jury on." Mr. Burgess at once gathered up his papers and marched indignantly out of Court. When the Court adjourned for dinner, the Judge found Mr. Burgess haranguing the crowd upon the tyranny of Judge Parsons. Waiting a moment, he said:

"Brother Burgess, if you get through in season, come in and dine with me." Burgess stopped a moment; turned around; met Judge Parson's eye, and saying, "I give it up—I give it all up," took the Judge's arm, and went to dinner.

The seniors of the bar were oft-times not a little irritated at Judge Parson's kindness to the younger members. An anecdote is told, in Northampton, of his advice to Elijah H. Mills, upon his first appearance at Court. An old lawyer in Hampshire-county was prevented by illness from being present, and had given young Mills his papers, with the advice to employ some older counsel. "To whom will you refer me, for assistance, your Honor?" inquired the timid young Barrister. The Judge, quick at perceiving merit, replied, "To yourself, Brother Mills. I think you and I can do the business." Everything went on well, with the help of a hint, here and there; and, when the Court adjourned, Mills called at the Judge's chamber to thank him, and say good bye. As he entered, Mr. Serjeant, the leader of the Franklin bar, arose to depart. "I hope I shall see you next term, Mr. Serjeant," said the Chief-justice. "I am not sure about that, Judge," replied the old lawyer; "I think some of sending my office-boy with my papers. You and he, together, will do the business full as well as I can."

Before he became a Judge, Mr. Parsons met Alexander Hamilton, in an important suit, tried before Judge Ellsworth, in the New York Courts. The latter was astonished by his opponent's legal knowledge, and, particularly, by his skill in special pleading, naming him, in open Court, "the giant of the New England Bar." It was upon this occasion that, in replying to some distinctions made, Hamilton said: "May it please your Honor, I have known men to split a hair, and I have tried to do it myself, but I never before saw any one decimate a hair and count the pieces before the Court." Referring to "special pleading," in which Theophilus Parsons had, perhaps, never a superior, arguing a case is not meant, but the written allegations and replies of the parties before the case is tried. He, himself, used to tell his "demurrer story," as it at last got to be called, with great gusto. "Demurrer" is a technical term of special pleading, which means that the party "demurs"—that is, admits the facts, but denies them to be sufficient in law. This brings the case to a higher Court; and is called "taking up demurrer." The senior member of the Stratford Bar entered the Court, one day, in a state of beastly drunkenness; and, in endeavoring to reach his place, fell to the floor. Two or three friends were

about him consulting how they should get him out, without compelling the Judge to notice his condition, one suggesting this way and another that, when the old man called out: "Take me up by demurrer. Judge Jones 'don't know enough of pleading to see through 'that.'"

In confirmation of what Mr. Webster's early journal states, about the eyes of Chief-justice Parsons, one peculiarity used always to be mentioned by those who remembered him, and that was the habit of looking at a person without winking. It is strange that, while we never notice that a person winks when looking at us, unless it is done with disagreeable frequency, when one looks without winking, it is observed, at once. Chief justice Marshall had this peculiarity towards any one addressing him. Lowndes, of South Carolina, said, about it: "Oh, yes; the good old Judge finds it of 'great service. When a lawyer is talking 'against time or annoying the Court with platitudes, that cold, wide-open, never-winking 'grey eye fastens upon him; and a man can't 'stand it.'"

Judge Sullivan was twenty-five years older than Judge Parsons, and was in the full enjoyment of his honors when the latter had risen into notoriety. He was Attorney general of Massachusetts, an office of much more dignity and importance than that it has been since. His manner was easy and engaging; his reasoning, logical and plausible. His addresses to the Jury were always marked by that vigorous display of intellectual power and facility of illustration that gave him his reputation. He was a gentleman of the old school, and, kept up according to the habits of the day, a generous hospitality. Although possessing great dignity of manner and person, he was, nevertheless, fond of practical jokes, none of which, nevertheless, will very well bear the telling. It was, however, in practical wisdom, his great forte lay. He said to a friend who was complaining that, at his age, sixty, he felt that one's days must be few, and the capacity of usefulness well nigh exhausted. "You mistake, there. 'At sixty, a man in fair health may enter upon a 'series of years, equal in usefulness and happiness to those of any period, provided proper 'precautions are taken and proper habits formed. Employment without labor, exercise without weariness, and temperance without abstinence, are rules of life for a man of three score 'years.' This advice, probably, contains as much sound sense as could easily be compacted in the same number of words.

To Judge Jay, who had expressed his regret that Providence permits the benefit of experience to descend to others only in an imperfect

degree; and who had remarked how much wiser the world would be if, when the father died, he could give to his son all those lessons which he had himself learned in the hard school of experience. Mr. Sullivan said: "That would 'never do, Judge. It would defeat the chief 'purpose for which we live. The culture and 'improvement of ourselves, by our own efforts, 'not by the efforts of our parents, is what God 'means.'"

An anecdote, characteristic of both Parsons and Sullivan, used to be told by a witty member of the Suffolk bar, who witnessed the scene. The two eminent lawyers were opposing counsel in an insurance case. Parsons, from some confusion of ideas, in painting the horrors of shipwreck, spoke of the wind "blowing off a lee shore." Sullivan at first doubted the accuracy of his hearing; but when Parsons, reiterating his argument, repeated the same blunder, Sullivan quietly asked what kind of wind that could be. Parsons, much excited, turned quick as a flash upon his enemy, and shouted out with an impetuous voice, "It was an Irish hurricane, 'Brother Sullivan.'"

Samuel Dexter, as we have said already, was eleven years younger than Theophilus Parsons, and nearly twenty years younger than General Sullivan. He was above the average height, of strong and muscular structure, but never inclined to corpulency. His features were large and bold, his complexion dark—Huguenotic, in fact—his mouth large, and his face full of logic. His hair, just before his death, at the early age of fifty-four, was iron gray, coarse, and falling loosely; his forehead broad, his step firm and gait erect, and his dress always neat. For a period of some ten years he was the leading politician, as well as the foremost lawyer, of New England. Madison made him Secretary of the Treasury. He possessed the power, both at the bar and in the forum, of stirring the passions of men. In the Supreme Court at Washington, he rarely spoke without attracting an audience composed of the taste, beauty, wit and learning of the city. He opened his arguments in a progressive order, erecting each successive position upon some other, whose solid mass he had already established on an immovable foundation, till at last the superstructure seemed by its ponderous proportions to bid defiance to the assaults of human ingenuity. He was in mind, gravity and method of speaking, greatly like Daniel Webster. Chief-justice Parsons was given to interrupting counsel saying, *e. g.*, "Supposing you take this view of it, Brother Dexter," and himself then proceeding with an argument. Mr. Dexter becoming one day very angry at

these interruptions, took a small volume from his pocket and said:

"May it please your Honor, I will read with your permission, a few passages from the book I hold in my hand."

"What book is it?" asked the Chief-justice, taking a pen to make a note of it.

"My Lord Bacon's Essay," replied Mr. Dexter; "and I will read from the fifty-sixth 'Essay on Judicature.' 'Judges ought to remember that their office is *jus dicere* and not *jus dare*—to interpret law, not to make it.'"

Reading several sentences of similar tenor, Mr. Dexter closed the book, replaced it in his pocket, and continued his argument without further interruption.

There was great bitterness when Mr. Dexter separated from the Federalists, one of whose leaders he had been. At a political meeting in Faneuil Hall, held shortly after, Mr. Otis addressed the assembly. Mr. Dexter sat at his left hand, a little in the rear, at a distance of eight or ten feet. It was no unusual thing at dinner parties and in counting rooms to accuse the latter of "apostacy," but no man had dared to do it in public. Mr. Otis however, closed his speech with these words, "We shall not be turned aside from our course, which we believe to be the path of duty, by any fear of the rulers at Washington on the one hand, nor by that of apostacy on the other." The utterance of these words was accompanied by a significant gesture which plainly designated Mr. Dexter, upon whom all eyes were instantly turned. The latter half rose with all appearance of great indignation, and said so as to be heard by Mr. Otis, "If he does not retract those words, I will wring his nose." A gentleman friend of both, at once went to Mr. Otis, whispered a word in his ear, when he resumed his remarks, saying that nothing could be more remote from his intention than the slightest allusion of disrespect to any gentleman present—especially to one, the purity of whose patriotism was above all suspicion. He should as soon think of doubting the existence of his God. The matter passed off, but the two eminent men were never afterwards friends.

Mr. Otis's power of persuasion oftentimes damaged him with the Court. He relied too much upon it. Arguing a case before a jury in the Supreme Court of Massachusetts, Justice Parsons said to him once:

"Brother Otis, don't waste your time on that point, there's nothing in it."

Mr. Otis stopped, looked the Judge full in the face, bowed, and, turning to the Jury, went on to another point in his case.

"Nor in this either, Brother Otis: don't waste your time."

Mr. Otis bowed again, went to a third point, to be once more interrupted by the Judge.

Somewhat annoyed, he turned to the bench and said—

"I regret to find myself, your Honor, unable to please the Court, this morning."

"Brother Otis," replied the Judge, with a pleasant smile, "you always please the Court when you are right."

Towards the latter part of Mr. Otis's life, when he was still in active service, however, Noah Webster issued proposals for his first quarto Dictionary, which was to contain three thousand new words. When the fact was mentioned before Chief-justice Shaw, he remarked, "For heaven's sake don't let Otis get hold of it."

Mr. Otis had a peculiar habit of lounging while thinking out his speeches. He would sit for an hour or more, his chair canted backwards, and his feet resting against the wall, gently stroking his nose with his thumb and finger. It was understood that he was not to be interrupted on such occasions. His students jocularly called the process, "milking his brain."

Of William Prescott, father of the historian, there is room here for a word only. He retired early from the profession, both as advocate and chamber counsel, being possessed of an ample fortune, but he never discontinued his legal studies. At the age of eighty-two, when he died in 1844, he was confessedly the most erudite lawyer in New England. He never attempted eloquence, but was, nevertheless, a successful advocate. His genial face and cordial manner, which were transparent vestments of his heart, every old Bostonian remembers.

He was a true representative of the gentle blood of New England. President Kirkland said of him, over his grave, that he was one of the few men who ever lived "that did not need the smart of guilt to make him virtuous, nor the regret of folly to make him wise." *Par negotiis neque supro*—"equal to, not above duty"—was his fit epitaph. N. S. D.

VI.—BOOKS.

1.—RECENT PUBLICATIONS.

[Publishers and others sending Books or Pamphlets for the Editor of THE HISTORICAL MAGAZINE, are respectfully requested to forward the same, either direct to "HENRY B. DAWSON, MORRISANIA, N. Y.," or to MESSRS. CHARLES SCRIBNER & Co., Booksellers, 654 Broadway, New York City, as shall be most convenient for them.]

A.—PRIVATE PUBLICATIONS.

1.—*Annals of Public Education in the State of New York.* By Daniel J. Pratt, A.M. Second Period. Public Education in the Colony of New York. Part I. From the Capitulation by the Dutch to the First Legislative Act for founding a College. 1664-1746. [Albany: 1870] Octavo, pp. ii., (unpaged) 619-692.

Some months since, we noticed, in the Mag-

azine, the first part of this very interesting work, covering the period of the Dutch dynasty in New York, and describing, in the most elaborate detail, the educational movements of that sterling race. In the portion before us, which is the second, we have the record of the English provisions for the education of the young people in this Colony, prior to the establishment of the King's college—now Columbia.

The same features which distinguished the first of these parts distinguish the second—it is a historical work of great merit; and its excellent author has earned for himself, in its preparation, the highest credit as a pains-taking laborer in the field of American history.

It is to be regretted that, in the printing of these separate tracts—the first of which had formed, already portions of another volume—more attention was not paid to the pagination. It is too important a work to be thus slighted by the workmen, in making it up for the press.

2.—*The First Cruise of the United States Frigate, Essex, with a short account of her origin and subsequent career until captured by the British, in 1814, and her ultimate fate.* Prepared by Captain George Henry Preble, U. S. N. [From the *Essex Institute Historical Collections*, Vol. X.] Salem: Essex Institute. 1870. Octavo, pp. 108.

Every school-boy pretending to know anything of his country's history, knows of the *Essex* and Captain Porter; but there are very few, even among those who have attained the age and insolence of manhood, who know anything of that historical war-vessel, beyond the record of her fighting-qualities.

In the pamphlet before us, Captain Preble has presented the history of the good old ship, from the date of the appeal which, on the thirtieth of June, 1798, the Federal Government made to the citizens, for a marine force to protect our growing commerce from the assaults of belligerent Europe, until her gallant crew was overpowered, in the harbor of Valparaiso. She was built by the merchants of Salem, then a mere village of nine thousand inhabitants, and tendered to the Navy at a cost of upwards of seventy-five thousand, four hundred, and seventy-three dollars; having been built by Enos Briggs, of Salem, under the direction of Colonel J. Hackett, of Portsmouth. Her keel was laid on the thirteenth of April, 1799; and she was launched on the thirtieth of September, following. Her tonnage was eight hundred and fifty and a quarter tons; and her battery was thirty-six guns. Her first commander was Captain Edward Preble; she sailed out of Salem, on the twenty-second of December, 1799; doubled the Cape of Good Hope, on the twenty-eighth of March, 1800—the first United States vessel of war which did so—was subsequently commanded by Captains Bainbridge (under

whom she formed part of the Mediterranean squadron), James Barron, (under whom she returned to the Mediterranean) Smith, and Porter (under whom Farragut served as a Midshipman) was the first captor of an armed prize, during the war of 1812; became the scourge of the enemy, in the Pacific; was captured by a superior force; subsequently, transferred to the Royal Navy; converted, years after, into a convict-ship, in the West Indies; and, in 1837, while she was at Kingston, Jamaica, was sold at auction, in London, to be known no more, except in history.

This very interesting Memoir is supplemented with a series of papers and documents, mostly new to the world, which serve to illustrate the subject; and, after his usual habit, Captain Preble leaves very little, if anything, to be done by those who shall, hereafter, have occasion to write of the *Essex* or her history. We wish some of our professional "historians," so called, would take a few lessons from Captain Preble, on the value of documentary evidence, on the importance of presenting it to their readers, and on a careful use of it, themselves.

The proof-reader failed to do his duty, in the correction of the sheets, composing this work, else it had been a very neatly-printed volume.

B.—PUBLICATIONS BY SOCIETIES.

3.—*Manual of the First Congregational Church, Franklin, Mass.* Adopted, January, 1870. Boston: 1870. Duodecimo, pp. 43.

It is a commendable habit in Churches, in some parts of the country, to publish such *Manuals* as this, embracing their History, Articles of Faith, Rules of Conduct, Lists of Members, from the beginning, etc.; and few are aware of the value of such works to those who seek the minutiae of local history and biography.

In 1738, the Second Church of Wrentham was organized, in the Western Precinct of that town; and, forty years afterward, in 1778, when that Precinct became the town of Franklin, that Church became "The First 'Congregational Church of Franklin.'" It has adhered to the faith of its fathers, under the pastoral guidance, successively, of Messrs. Haven, Barnum, Nathaniel Emmons, D.D., Smalley, Southworth, Hunt, and Keene; has secured a membership of nine hundred and sixty-seven, of whom two hundred and twenty-three were in communion, at the opening of 1870; and is among the most influential of the country parishes in Massachusetts.

The *Manual* before us contains all that we need to know of the origin, faith, and membership of the Church; but we are free to say that the Church over which so noted and so influential a Pastor as Doctor Emmons so long and so ably presided, ought to have been pre-

sented, in its History, with very much more completeness than it has been in this little work.

It is very handsomely printed; and we are under obligations to the Pastor for the copy which is before us.

4.—*Minutes of the Seventy-fifth Anniversary of the Otsego Baptist Association, held with the Exeter Baptist Church, at Schuyler's Lake, N. Y., June 15th and 16th, 1870.* Octavo, pp. 18.

These annual Congresses of the Churches, in which each appears by her Elder and Messengers, are vastly more important than many imagine; and their records form a very important element in the local history of the State.

The homely tract before us is the seventy-fifth of the Otsego Association of Baptist Churches; and we find in it the statistics of nineteen Churches and a sketch of the history of one of them.

5.—*Annual Reports to the Chamber of Commerce of San Francisco, submitted to the Chamber, holden May 10th, 1870.* To which are appended Report from Sub-Committee of the Committee on Earthquakes, Report of the Committee on Dockage and Wharfrage, Report of the Committee on United States District Courts, Report of the Committee on Laws relating to Pilots and Pilotage, and also, Memorials and Resolutions adopted by the Chamber, during the year ending May 10, 1870. San Francisco: 1870. Octavo, pp. 39.

Our readers know how highly we value the annual Reports of these associations of the business-men of the United States; and how much importance is to be attached to the results of their observation and judicious labor.

The volume before us is not, however, as complete as we hoped to find it; nor has the Chamber seemed to appreciate the full extent of its responsibility to the wide world, in the department of the literature of American Commerce. There is not a line of statistics in the entire book: not a single table presents, ever so poorly, the Commerce of the emporium of the Pacific. May not we hope for better things, hereafter?

The pamphlet is a neat one.

6.—*Auburn Theological Seminary. 1820-1870. Semi-centenary Address and Proceedings.* Auburn: 1870. Duodecimo, pp. xi., 79.

We remember, very well, the venerable Pastor of the Presbyterian-church, at Ithaca—Rev. William Wisner—and it was on his motion, in February, 1818, that the Synod of Geneva resolved to establish a Seminary for the education of young men for the ministry, in Central New York. In May, 1820, the corner-stone of the structure for the purpose of accomodating the teachers and the taught, was laid at Auburn; and, probably, in May, 1870, the fiftieth birthday of the institution was celebrated—we say "probably" because the only date appearing in the narrative of that celebration is that of Doctor Cuyler's Address, which is merely stated to have

been delivered "On Tuesday evening," without describing which particular "Tuesday" of the Past is therein referred to.

We are glad to see an occasional outburst, from among the learning of our Colleges and Seminaries, of respect for the history of by-gone days—if it shall be associated with appeals for money we can excuse it—and we have welcomed this record of old Cayuga's resurrection and temporary wakefulness with peculiar pleasure, notwithstanding the intensely stupid way in which that record has been presented to the world.

We have, FIRST: what purports to be an *Address before the Society of Inquiry*, "on Tuesday evening," by Theodore L. Cuyler, D.D., but, as we have said, neither the month, nor the day of the month, nor the year on which that particular "Tuesday evening" occurred, is presented to the anxious eye of the reader; and all that this volume can possibly assist in the solution of that question is found on the title-page, in the figures "1820-1870." Besides, the report of the *Address* itself is confined to the "happy introduction" of it, while "the subject of the discourse," on which the reader will most desire to look, is dismissed in a few lines of a synopsis, probably from the same indolent pen which did not do its duty, more faithfully, elsewhere. SECOND: We have an *Historical Discourse*, but by whom and when delivered, the Editor of this volume says not, except, in a distant part of the volume, he incidentally refers to Rev. Samuel H. Gridley, D.D., as the author of some such discourse as this is. THIRD: We have a Poem, on *Past, Present, and Future*; but just who was the Poet or just when or where he pronounced it, seems not to have been worthy any portion of the Editor's attention—forty-nine pages back, however, he casually remarked that Rev. C. E. Furman was the happy man who was the author of such a Poem as this is. FOURTH: a chapter describing the *Laying of the Corner-stone for a Library building*, is equally non-communicative—not a date nor a place is mentioned.

Let us not be misunderstood. On the *thirtieth of November*, 1819, the ground was broken for the building of this Seminary: on the *eleventh of April*, 1820, the Charter of the Seminary was granted: on the *eleventh of May*, 1820, the corner-stone of the Seminary was laid: on the *twelfth of July*, 1820, the Board of Trustees was organized—which of these dates formed the starting-point of the Seminary Calendar? A Bible was presented by Sylvester Willard, M.D., "on its *Fiftieth Anniversary*, May 4th, "1870," we are told on page 68: pray of what particular event in the Society's history was the *fourth of May* the "anniversary?" On

which of the various dates to which we have referred was this Semi-centennial celebrated? Who can tell, since this record is silent on that subject?

7.—*The First Church, Orange, N. J. One hundred and Fiftieth Anniversary, November 24 and 25, 1869. Memorial.* Newark: Published for the Session, by Jennings Brothers. 1870. Small octavo, pp. 174.

The venerable Presbyterian-church at Orange, New Jersey, celebrated its one hundred and fiftieth anniversary, in November, 1869; and, in the very handsome volume before us, we find the record of that interesting event.

On the evening of the twenty-fourth, the Pastor preached an admirable Sermon, from *Exodus* xii., 26—"What mean ye, by this 'service?'"—and, at its close, a Memorial Tablet, to the memory of the first two Pastors of the Church, was unveiled and inaugurated, by Rev. Doctor Green. On the twenty-fifth, our excellent friend, Rev. E. H. Gillett, D. D., delivered an Historical Discourse, which was peculiarly appropriate to the occasion; and another of our honored friends, Anson D. F. Randolph, Esq., read a Poem, and Doctor Stephen Wickes an address on the Pastorate of the Rev. James Hoyt, recently the Church's Pastor.

We have said that the Sermon and the Historical Discourse were appropriate to the occasion: we may say the same of every other portion of the services, as those services are represented in this volume; and the typographical neatness, in which the volume is dressed, adds very materially to its attractiveness.

8.—*Discourse delivered before the New England Historic-Genealogical Society, Boston, March 18, 1870, on the occasion of the twenty-fifth anniversary of its incorporation.* By Rev. Edmund F. Slafter, A. M. With Proceedings and Appendix. Boston: New England Historic-Genealogical Society. 1870. Octavo, pp. 59.

The historical pundits of Boston have been divided, for many years, we understand, into two classes, if not more; and we are told that they love each other, individually and collectively, exactly as Satan is said to love Holy-water. The effect of this peculiarity of their affectionate regard is, that the venerable Massachusetts Historical Society studiously excludes from her membership such recognized scholars in American History as John Ward Dean, John Wingate Thornton, and Samuel G. Drake; while the latter as carefully withhold the graces of good-fellowship, it is said, from such writers as James Savage, and Charles Deane. The venerable Society has always considered herself complete without the co-operation of the "Young America" of Boston's historians; while the latter have not only assured themselves that the sun has not risen nor set in "the

"Dowse-room," over the Suffolk Savings Bank, in Tremont-street, but they have also assured others that that supposition was susceptible of abundant proof.

Some twenty-five years or so, ago, these modern Abednegos who refused to fall down and worship the golden calves which Boston had set up, gravely bethought themselves that there ought to be "equality before the law," in matters of Historical Societies; and they proceeded, evidently without asking the consent of the old Massachusetts Historical Society, to organize a new Society, in which they, themselves, could be recognized as the master-spirits—a Historic-Genealogical Society, in which the true intent was only half concealed and a rivalry in historical literature, *per se*, was more than half-threatened. The contempt of established Boston reputations, which was thus manifested by the progressive party—what Mr. DeCosta would, probably, have called "the New School," had he been there to see—was promptly resented by its venerable rival; and, whether before the Legislature of the Commonwealth or in the world's wide wilderness, the young Society has encountered the heaviest, and the bitterest, and the most relentless of the opposition which it has met, from the members of the Massachusetts Historical Society and from the Society, herself. Greek has met Greek and Brahmin has jostled Brahmin, in this lively, if not lovely, contention, for a full quarter of a century; and, notwithstanding this conflict of the clans, Boston rejoices, if we may believe Mr. Slafter, in the remarkable belief that her's is "a people of unusual social and political equality, with an inheritance of many elements of character of which she always feels a just but *not ostentatious* pride!" Last March ended the first twenty-five years of the existence of the newly-formed Society; and it was its privilege, on that occasion, to flaunt its banners, and blow its horns, and tell what wonders it had, meanwhile, accomplished. Oddly enough, if the truth of history was to become an element in its proceedings, a New England parson was selected to tell the story of its renown; and, reasonably enough, he told of some things of which he evidently knew something while he also told of others of which, quite as evidently, he knew exactly nothing. Let us see, in this elegant volume, how he played his part in this little drama.

Mr. Slafter opened his discourse, boldly, by introducing the handful of excellent, but indignant, men—Bostonians—who met in Boston, in 1845, for the purpose of organizing a new Historical Society in which *they* could severally play parts; and he very graphically and, probably, very accurately, *as far as he went*, told

what those gentlemen desired, what they hoped, and what they did, in calling into existence "The New-England Historic-Genealogical Society." He traced, too, after a fashion of his own, the small beginnings and the slow progress to respectability, as a Society, of the new organization; and he told of some things which were true while of other things, equally true and equally germane to his subject, he did not tell a single syllable.

He told nothing, whatever, for instance, of the individual grievances and personal bad feeling which originally led to the organization of the new Society: he told nothing, whatever, of the rigid opposition which that Society has experienced, before the General Court and elsewhere, from the old Massachusetts Historical Society: he told nothing, whatever, of the systematic abstraction, time after time, of the more active and influential young members of the young Society, by their subsequent election to what is considered the more enviable membership of the old Society, where the associations were more agreeable: he told nothing, whatever, of the earnest desire of the new Society, time after time expressed, to *drop the Genealogical feature of its name and character*, about which he was so inconsistently but so elaborately eloquent, and to assume the title and honors of "The New England Historical Society:" he was perfectly dumb concerning the reason of its failure to secure that coveted privilege—in short, like most others of his class, he told only what makes for his own glory and the Society's, while his tongue was conveniently silent in all that makes for their individual and associated disadvantage.

What Mr. Slafter said of the importance of Genealogy is unquestionably true; but, if the Society really supposed that Genealogy was thus important, why has that Society desired and attempted, so earnestly and so frequently, to cut loose from it, altogether? Why, too, since the Society's records so clearly indicate how completely distasteful that particular subject is, among its membership, was anything said in its favor, by its last mouth-piece? Is the Society's policy changed, in these our days; or is it on another of its periodical rampages, not wholly sensible of what it desires or what it does not desire; or has its last Orator gravely and wilfully misrepresented its real sentiments, in thus heralding, aloud, with grotesque inconsistency, its most noteworthy feature—what it has so earnestly and repeatedly repudiated and sought to cut loose from?

Mr. Slafter tells, too, of the "strong, deep-seated prejudice, lurking everywhere in the New-England mind, against the cultivation, in any degree, of ancestral or family history,"

and the "excessive and unnatural modesty" which, twenty-five years ago, *he says*, formed an important element of what he conceives to have been, then, the New-English character; and he claims for the new Society the distinguished honor of having revolutionized, in these latter days, these peculiarities of by-gone Yankeedom, and of adding some new features to the unsophisticated "cheek" with which New England was wont, he says, modestly and timidly, to hear of her fathers, a quarter of a century ago—about the time, for instance, when we heard Rufus Choate tell of "a Church without a Bishop, a State "without a King," which some Lincolnshire runaways, sometime, were unblushingly said to have introduced into the Lantern-land of Rabelais. It is very certain that we should have known nothing of the peculiar "prejudice" or the more remarkable "modesty," to which reference was made, if this Orator in Boston had not so modestly told of them; and, quite as certainly, we should not have believed the story of their existence, so recently, if a New-English parson had not, unblushingly, made us acquainted with the information. Backed by a Historic-Genealogical Society and by a parson, however, who can reasonably dispute the statement?

Mr. Slafter was pleased to allude, also, to THE HISTORICAL MAGAZINE, and to make special note of the fact that *one* volume of it was published in Boston: for reasons which pleased himself, however—although one would have supposed that the spokesman of a *Historical* Society might have honored the truth by telling it—he did not make any note of the other fact, not less important, that four times as many numbers of that work bear the imprint of "Morrisania, N. Y." as were ever issued from "Boston;" and it has not been published either in Boston or in "the city of New York" since June, 1867, Mr. Slafter to the contrary notwithstanding.

Mr. Slafter was also loud-toned on the "encouragement" which the Historic-Genealogical Society has extended to "the publication "of local history of the most general and various character;" but we hazard nothing in saying that that "encouragement" has consisted only in *receiving what has been given to it*, without expending anything to help the luckless, unpaid author to pay his printers' bills. Indeed, there are not five Historical Societies in the country, all told, which "encourage" historical scholarship in any other way than by bleeding it; and there is, most certainly, not one in Boston, old or new, which has dared to be singular, in that respect, by paying for what it enjoys of current historical literature. But think of

the "modesty" of that parson, in claiming that THE HISTORICAL MAGAZINE, the Prince Society's Publications, and the *Collections of the Essex Institute*—to say nothing of "many other works,"—were "inspired, moulded, and perfected under 'the stimulating and energizing influence of this 'Society,' which never paid a dollar toward the production of two, if not of all of them.

But we need pursue our subject no further. It is unpleasant to follow the trail of those who profess to be Christians when we can do nothing besides exposing how little of the Master's spirit there is in them, and how little they dare be just before they attempt to become selfish and regardless of the truth.

C.—PUBLIC DOCUMENTS.

9.—*Department of Public Instruction, City of Chicago. Sixteenth Annual Report of the Board of Education, for the year ending July 1, 1870.* Chicago: 1870. Octavo, pp. 264.

This elegant volume contains the educational record of the city of Chicago, for the year 1869-1870; and to those who are interested in such matters and to those who collect "locals" relative to Chicago, it is a volume of considerable importance.

10.—*Saint Louis: the future great city of the world.* Illustrated with a map. By L. U. Reavis. Second Edition. St. Louis: Published by order of the St. Louis County Court. 1870. Octavo, pp. 136.

Whatever the future of St. Louis may be, she, most certainly, will not lose any credit by reason of her backwardness in asserting her relative greatness.

In the volume before us, the exact character and importance of which are not fairly represented by its sensational title-page, we find a most profound discussion of the great question of the future of "the West" and, incidentally, of the relative future of the various municipalities, which, as if by magic, have sprung into being, here and there, over its broad domain. Reasonably enough, and not without probability, as to her future, St. Louis looms up, in this elaborate argument, a head and shoulders above her sister cities; and we are not unwilling to believe that the child is already born who shall live to see St. Louis forming, with San Francisco and New York, one of the three great emporiums of America—herself the leading city of the interior, with New York commanding the commerce of the Atlantic, and San Francisco that of the Pacific. Nor are we inclined to deny either the propriety or the probability of an early removal, westward, of the political capital of the confederacy; and we are not disposed to deny that, in such a case, there is a fitness that St. Louis should receive the honor or the dishonor of its presence as well as its advantages and disadvantages.

We are inclined to the belief that some who are already grey-headed will live to see a new order of things, in which those who inhabit the great basin of the Mississippi—"the South" and "the West," occupying the wide domain between the Alleghanies and the Rocky-mountains—will consolidate, individually and materially, and form "a more perfect Union" than they now enjoy; when, without interfering with all the privileges which Washington now claims a proprietorship, St. Louis will, naturally and without an effort, become the seat of Government as well as the seat of trade of the great heart of what are now "The United States of America." But of this, Mr. Reavis has made no mention, among his speculations of the future.

As a "local," this is one of prime importance: as an essay, appealing to the careful consideration of thinking men, it possesses peculiar merit: as a public document, circulated at the expense of the tax-payers of St. Louis, it is remarkably significant.

D.—TRADE PUBLICATIONS.

11.—*T. Macci Plauti Captivi, Trinummus, et Rudens.* With English Notes, Critical and Explanatory, By C. S. Harrington, M. A. New York: Harper & Bros. 1870. Duodecimo, pp. 278.

The publishers of this volume have presented therein the three Comedies of Plautus which are generally considered the best of his productions. The text adopted is chiefly that of Fleckeisen, occasionally varied with the readings of Brix; and it is annotated from the editions of Ritschl, Brix, Thornton, and the Delphin.

The edition is a very neat one.

12.—*Lighthouses and Lightships: a descriptive and historical account, their mode of construction, and organization.* By W. H. Davenport Adams. Illustrated. New York: Charles Scribner & Co. 1870. Duodecimo, pp. 322. Price \$1.50.

Another of that excellent series of "Wonder-books" of which we have so often written our hearty approval. It is devoted to Lighthouses and Lightships; and we have only to regret, concerning it, that it has so completely overlooked the *American* portion of its subject.

It is beautifully illustrated and is a handsome volume.

13.—*Life and Alone.* Boston: Lee & Shepard, 1870. 16mo. pp. 407. Price \$1.50.

This is a novel which has been received with great favor, by those whose tastes and leisure lead them to examine this class of literature; and we can do no better than lay before our readers what is said of it, by the influential and excellent Baptist *Watchman and Reflector*. That paper, which represents the New England churches, says: "The opening chapter does not indicate the 'strength of the book. The plot is singularly

"original, imitating nothing in the range of fiction, and independant of all conventional standards; the characters are striking and well drawn, the situations strong, the development of the story artistic and consistent, and the moral tone thoroughly healthful. It has all the fascination of 'sensation,' but with a continual undercurrent of strong purpose and wholesome sentiment. It has power, but always in the right direction; it has the purest exemplification of piety while it is not a 'religious novel.' It has its full share of social questions without any pandering to bad notions or vicious actions; in short, it meets the most rigid demands of the genuine novel-reader, while inculcating none but the highest moral principles. There is a strange individualism pervading the book which impresses the reader with the conviction that the story is stranger than fiction, that its situations are of real events. But of this we have no knowledge. The author, whoever he or she may be, has written a book which, the more carefully it is read the more favorably it will be judged."

14.—*Wonders of Acoustics; or Phenomena of Sound.* From the French of Rodolphe Radan. The English revised by Robert Ball, M. A. With Illustrations. New York: C. Scribner & Co. 1870. Duodecimo, pp. viii, 267. Price \$1.50.

The sixteenth of that excellent *Library of Wonders*, of which we have already given so emphatic an approval.

The typography is excellent and more than a hundred wood-cuts add their attractions to the text, making it a fit companion volume of those which have preceded it.

15.—*A School History of the United States, from the discovery of America to the year 1870.* By David B. Scott. Illustrated with Maps and Engravings. New York: Harper & Bros. 1870. Duodecimo, pp. xii, 425.

Another school-history, the attractions of which, both typographical and pictorial, are exceedingly enticing. But, while we find general good taste and skill in the use of the material employed by the author, we regret to see him either reject or neglect to employ that which every teacher should use, in his great undertaking of teaching those who are to come after us, as the controlling power of the Republic, concerning its history. Thus, he reproduces all the old stories of Columbus's career, many of which are open to very much doubt. He disregards, if he does not discredit, the knowledge which we possess of the Pre-Columbian discoveries in America and of the Northmen's traffic with that Continent. He certainly misrepresents the Indian tribal polity as much as he overlooks the inter-tribal policy which made them such formidable enemies and such power-

ful allies of the whites. So, too, the theology of the *original* Indians, before they mixed with the white reprobates who invaded their country and spoiled their possessions, is not founded on fact—they knew no "Great Spirit" and as little of any heavenly hunting-grounds. Why the stories about the pretended discoveries by the pirate, Verrazzanno, are repeated in modern school histories or any other history, is a mystery; and the bold repetition of the stories concerning the little Indian, Pocahontas, and the pictorial representation of what is, ridiculously enough, called the "Marriage of Pocahontas," costumed as a civilized bride, in an arched church hung with knightly banners, and surrounded by fashionable gallants and comely dames, is as nearly a burlesque on decency as it is a fraud on the truth. If Mr. Scott did not know that the pretended rescue of John Smith by Pocahontas is a fiction, Mr. Charles Deane has written in vain; and if this adulterous cohabitation of Rolfe, who was another woman's husband, with this same Pocahontas, who was another man's wife, is to be thus treated in school-books, there is little encouragement for parents to teach their children, at home, the beauty of a virtuous life. Is Mr. Scott quite sure that Maryland was originally settled at St. Mary's? The "compact" on the *May-flower* warrants no such description of its purpose as Mr. Scott gives of it; else he has only told one-half of his story, in having neglected to tell why so many of the passengers did not sign it. Why does not Mr. Scott tell his pupils of the fraud practiced by the Puritans in removing the Government of Massachusetts Bay Colony from England to America? Why does he say, page 61, these Puritans "had come to America to enjoy 'religious freedom,' while all the testimony shows their object, in that respect, to have been exactly the reverse?"

The cause of Mrs. Hutchinson's troubles, both in Boston and on Rhode Island, is insufficiently, if not inaccurately, stated. So, too, she was killed at Pelham, not New Rochelle, in this County; and that not because of the Indians' War with the Dutch—*she was not Dutch and the local Indians were friendly with her*—but by refugee Pequots, to avenge the outrages committed on them by Mrs. Hutchinson's countrymen, in New England, especially by her personal friend, Captain John Underhill. Mr. Scott seems to suppose that a majority of the Puritans had respect for "the souls" of the Indians, and, therefore, infused "a strong mixture of 'kindness in their treatment' of them; but he, unfortunately, does not attempt to prove it. Mr. Scott also considers that the term "Plantation," "was soon dropped" by the New England Colonies, "particularly Rhode Island," (page 83):

we fancy that we remember the time when that word formed a part of the official title of "The State of Rhode Island and Providence Plantations;" and we fancy, too, that when Mr. Scott went to the Public School Society's schools, in New York City, he was taught that fact. Why is Mr. Scott silent as to Slavery in the early New England Colonies?—even in his "General Reflections," of which so much is said in his "Preface," he is silent on the subject. The Negro-plot, in New York, is also insufficiently described—it was an Anti-Roman-Catholic furor—and why does Mr. Scott limit New Netherland (not New Netherlands, as he writes it,) on the East, to the *Hudson* instead of carrying it to the Connecticut? Would not Mr. Scott have acted wisely in qualifying his emphatic endorsement of Franklin's fictitious claim to certain "famous discoveries in electricity," many of which, if not all, or the theory of all, were appropriated by him from the brain and the laboratory of Professor Kinnerly?

Passing to page 150, Mr. Scott improperly gives Massachusetts too prominent a place among the early revolutionists of the Colonists; and the Boston street-row, which has been dignified with the name of a "Massacre," even in the face of a Boston jury's righteous verdict to the contrary, is unduly paraded as the first bloodshed of the struggle. Why does Mr. Scott say of the New York tea-ship, only "the people" would not permit the tea to be landed," in the face of the fact that, in one case, the ship was sent back to England, and, in another, "the people"—not disguised as Mohawks and not under the shelter of a dark night, as was the practice of Boston—deliberately boarded the vessel, in open day, in their ordinary apparel, and, after carefully removing the other portions of the cargo, turned the obnoxious herb into the water and made Whitehall-slip a revolutionary tea-pot? There was no "mistake," but *disaffection*, on Bunker's-hill; and the gallant Prescott should not be made the scapegoat of *Putnam's wickedness*: only one-half the story of the fight on the Charlestown peninsula is referred to. Independence was not "freely spoken of," in 1775, either within, or without, New England; and a redress of grievances, at most, was the demand of the Colonists, long after that year. The "Connecticut militia" were, certainly, not, either wholly or in part, the captors of Ticonderoga, in 1775; and we incline to the opinion that no "instructions," concerning Independence, were sent to the Delegates of Massachusetts, in the Congress, either on the thirtieth of May, 1776, or on any other day.

We cannot notice the various errors, in other portions of the volume, as we desire, because of our want of space; but we feel constrained

to call attention to that concerning the Shay Insurrection, in Massachusetts, which was neither occasioned by *Federal* causes, nor directed against *Federal* authority, nor suppressed by *Federal* power; to the evident want of correct information, in the author, concerning the condition of the country, under the *Articles of Confederation*; to that concerning the supposed character of the *Constitution for the United States*, which is really only an amendment to the *Articles* referred to, and cancelled, of those *Articles*, only the very few paragraphs which conflicted with it; to that concerning the author of *The Ordinance of 1787*, which was rather Nathan Dane than Thomas Jefferson; and to that concerning M. Genet, who was *superceded* but not "*recalled*."

Notwithstanding these and many other errors in the volume before us, we are not disposed to believe that they are the result of an intent, on the part of Mr. Scott, to mislead his readers—we wish we could say as much of the errors made by some others who have written school histories—and we are inclined to attribute them entirely to his want of correct information. Indeed, we fancy that we see, throughout the volume, an earnest attempt to secure entire accuracy of statement, irrespective of persons or places; and we are confident that, with a more careful reading of the authorities, a volume would have been produced from Mr. Scott's pen, which would have been as honorable to its author as it would have been useful to its readers.

May not we hope that Mr. Scott will seek the necessary information where it may be found, and give our children a text-book, on the history of our country, which will embrace the results of the careful investigations of such careful readers as Messrs. Deane, Brevoort, Smith, Shea, Drake, Moore, Murphy, O'Callaghan, Upham, etc., and correct the errors of those who have too long misguided our countrymen and taken undue advantage of their own wickedness?

As we have said the volume is a very neat one.

18.—*Willson's New Speller and Analyzer*. Adapted to thorough elementary instruction in the Orthography, Orthoepy, Formation, Derivation, and Uses of Words. By Marcian Willson. New York: Harper Bros. Sine anno. Octavo, pp. 152.

Another of the multitude of school-books which serve to confuse the teachers and confound the scholars, quite as much as they assist the one and inform the other.

There can be no doubt that its arrangement is ingenious and, if impressed on the scholar's memory, that it is susceptible of being made very useful; but we fear that the great mass of children will not fully comprehend the scheme nor make it available.

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I.—HOPKINSIANISM AND THE EARLY PRESBYTERIAN CHURCH, IN AMERICA.

By REV. E. H. GILLET, D. D.

The author of the following discourse, *God's Sovereignty, no objection to the Sinner's Striving*, was William Tennent, whose father and grand-father, both bearing the same name, had been prominent Ministers in the Presbyterian Church, in this country. William Tennent, the elder, was known as the Patriarch of Neshaminy, Pennsylvania, where he established his "Log College," and where, before the establishment of the College at Princeton, many of the Presbyterian ministers received their education. His son was settled at Freehold, New Jersey, and became widely known as the subject of a remarkable trance, during which he lay, apparently dead, for the space of three days, and only revived when the preparations had been completed for his funeral. The author of this discourse was his son; and was born at Freehold, in 1740. He was—(Sprague's *Annals*, iii., 242.)—"graduated at the College of New Jersey, in 1758, and was admitted to the degree of Master of Arts, at Harvard College, in 1763. He was licensed to preach by the Presbytery of New Brunswick, some time between the meetings of Synod, in 1761 and 1762; and was ordained, by the same Presbytery, between the Synodical meetings of 1762 and 1763. Shortly after his ordination, he went, by appointment of Synod, to Virginia, and labored within the bounds, and under the direction, of the Hanover Presbytery, for six months.

"In 1764, the people of Norwalk, Connecticut, wishing to procure a colleague for their Pastor, the Rev. Moses Dickinson, then far advanced in life, applied to Mr. Tennent to preach to them as a candidate for settlement; and, after he had preached several Sabbaths, they unanimously invited him, on the thirteenth of November, to become their Pastor."

Mr. Tennent remained at Norwalk, as Pastor, till early in 1772. Upon his release from

his charge, "he went to Charleston, S. C., and "was installed Pastor of the Church to which "he had been called. Here he was received "with great favor, and, both in the pulpit and "out of it, exerted a powerful influence. "When the American Revolution commenced, "he entered into it with great ardour; and his "far-reaching mind seemed to comprehend, in "an extraordinary degree, the wonderful results to which it was destined to lead. His "glowing zeal and distinguished talents rendered him so great a favorite with the people, "that, contrary to established usage, they, with "much unanimity, elected him a member of "the Provincial Congress. Such was the "urgency of public affairs, that even good men "and Ministers of the Gospel, sometimes, "considered themselves absolved from the obligation to the strict observance of the Sabbath; and Dr. Ramsey states that, 'in the "different hours of the same day, Mr. Tennent was occasionally heard, both in his "Church and the State House, addressing "different audiences, with equal animation, "on their spiritual and temporal interests.' He "rarely preached political sermons; but his prayers breathed a spirit of lofty patriotism, while "they contributed, not a little, to awaken and "cherish the same spirit in others. His vigorous pen was often put in requisition for his "country's cause, though nothing was printed "with his name, except two Sermons and a "Speech delivered in the Legislature of South Carolina, on the justice and policy of putting all religious denominations on an equal footing. In the year 1775, the adherents to the Royal Government, in the back country, "assumed an attitude of such decided hostility towards the friends of the Revolution, that "serious consequences were apprehended. In "this crisis, the Council of Safety despatched a deputation, consisting of William Tennent "and William Henry Drayton, to endeavor to enlighten these people in regard to the nature "of the dispute and bring them to co-operate "with the rest of the inhabitants. The Com-

"mittee not only had private interviews with them, but held public meetings, in different places, and made several addresses, which were not without effect. The result of the mission was considered as decidedly favorable to the new order of things; and Mr. Tennent's shrewdness and eloquence had not a little to do with it.

"Mr. Tennent was an earnest friend of religious liberty. Having been born and educated in a Province where there had never been any church-establishment, both conviction and habit rendered it difficult for him to accept toleration as a legal boon, from those whose natural rights were not superior to his own. He drew up an argumentative Petition, in favor of equal religious liberty; secured the concurrence of different denominations in its favor; and, when it was made the subject of legislative consideration, he delivered an eloquent speech in its support. It is understood that he exerted a powerful influence in aid of the reform which was ultimately effected.

"In March, 1777, Mr. Tennent's venerable father died at Freehold, N. J. In the Summer following, he made a journey to Freehold, with a view to conduct his aged and widowed mother to his own home, that the closing of her life might be cheered by his filial attentions. He had reached the High Hills of Santee, about ninety miles from Charleston, on his homeward way, when he was attacked with a violent nervous fever, which, after a short time, terminated fatally. He died on the eleventh of August, 1777, in the thirty-seventh year of his age."

We are ignorant of many circumstances which might satisfactorily explain the origin and the publication of the following discourse. It was preached only a few months before the author was settled as colleague of Rev. Moses Dickinson, at Norwalk, and while the Presbyterian-church of New York, without a Pastor, was preparing to make out a call for the Rev. John Rodgers, of St. Georges, Delaware. The call, at least, was made during the month of January;* and Mr. Tennent's Sermon was preached on the twentieth of the same month. In these circumstances, Mr. Tennent can scarcely be supposed to have been a candidate for the vacant pulpit; and "the earnest desire of the hearers," to have the Sermon published, could scarcely have been occasioned by any personal attachment to, or regard for, him.

We might, from internal evidence, be led to believe that Mr. Tennent, in the denunciation of this "infernal Scheme," as he calls it—in the course of the next few years, very widely

known as Hopkinsianism—had some of the productions of Dr. Hopkins in view. But Hopkins had, as yet, published nothing which would warrant Mr. Tennent in charging him with the "infernal Scheme." This Sermon was preached on the twentieth of January, 1765; and the preface of Hopkins's *Inquiry concerning the Promises of the Gospel*, in opposition to the views of Dr. Mayhew, bears date the eighth of April, of the same year. Evidently, therefore, Mr. Tennent, although his discourse is obviously directed against one of the leading and characteristic tenets of Hopkinsianism, could not have prepared it as an answer to, or a refutation of, Doctor Hopkins's book. Besides, we need an explanation of the interest felt by those who listened to its delivery, and that degree of interest which led them to desire its publication.

It was in 1761, that Doctor Jonathan Mayhew, of Boston, preached his discourse, which originated the controversy, concerning the "Doings of the unregenerate," from the text "Strive to enter in at the straight Gate." In this, as Doctor Hopkins and those who shared his views thought, he inculcated the error that the strivings of the unregenerate may be of the nature of duty, or obedience to the divine command; and that, to such strivings, the promise of success or of salvation is made. The Hopkinsian tenet was opposed to all this, maintaining that the unregenerate, as such, were incapable of holy action; and that, as unregenerate, they had no duty antecedent to repentance and faith. It followed from this, that they denied the character of holy obedience to the doings or prayers of the unregenerate; and even maintained that, in the case of clearer light, stronger convictions, and reformation of evil habits, their guilt was only increased, and their prayers and strivings were even offensive, in the sight of God.

Yet, previous to the delivery of Mr. Tennent's discourse, we knew of no contemporary publication which distinctly or avowedly set forth the Hopkinsian doctrine. Still, the doctrine was recognized by the hearers of Mr. Tennent, as peculiarly obnoxious; and, for some reason or other, he was induced to pour out upon it a very large measure of pulpit denunciation.

The most probable explanation of the matter is this. The Rev. Alexander Cumming, Pastor of the church in New York, from 1750 to October, 1753, was installed over the Old South-church, in Boston, as colleague with the venerable Doctor Sewall, in 1761, only a short time before Doctor Mayhew delivered his two celebrated discourses. To Mr. Cumming, intimate with Bellamy and, as we have strong reason,

*Miller's Memoir of Dr. Rodgers.

from his own writings, to believe, in warm sympathy with Hopkins, Doctor Mayhew's views must have appeared quite obnoxious; and Mr. Cumming was not a man who would be disposed to suppress his dissatisfaction. Doctor Mayhew had never been in good repute, for orthodoxy, among his Boston brethren; and, after the delivery of his *Two Sermons*, men like Mr Cumming would naturally regard him with increased distrust, and shape their preaching in such a manner as to counteract his errors.

But, even at an earlier date than Mr. Cumming, the Rev. Ebenezer Pemberton—who, for more than twenty years previous to Mr. Cumming being called as his colleague, at New York, had been Pastor of the Church in that City—had removed to Boston (1754), where he was settled over the New Brick-church. Pemberton, as we know full well, had no sympathy with Doctor Mayhew or Doctor Chauncy; and it would be natural that his influence over his young friend, Cumming, on his arrival in Boston, should be great and important. We may, therefore, suppose that, on his transfer from New York, and on being brought in contact with Doctor Mayhew's views, the sentiments of Cumming, on the disputed points, became more decided and pronounced than before; and we know, in fact, from his controversy with Rev. Andrew Croswell, that of some of Hopkins's tenets he was the avowed defender.

Such a change as this would imply, would naturally attract attention, especially when the controversy began to be raised abroad.

The New York congregation, restless, in consequence of the complaints and agitations kept up, at just this time, by the zealots for Rouse's version—who soon withdrew to form the Scotch Presbyterian-church—would be peculiarly sensitive to the charge of heresy, and only too ready to seize the opportunity to vindicate themselves. Such a vindication would be afforded them by the publication of this Sermon. Printed at their "earnest desire," it would express their indignant repudiation of the *new divinity*, or of errors which, ere long, were to bear the characteristic epithet of "Hopkinsian."

But why should such a discourse have been prepared by Mr. Tennent? Far removed from contact with the leading spirits of New England theology, and with ancestral traditions and training which gave assurance of the fixedness of his own orthodoxy, it might seem as if he had no call to mingle in the controversy. But we have only to suppose—and, as we have seen, we are not without good grounds for supposing—Mr. Cumming, on his transfer to Boston, to have yielded to the current of new opinions, sympathizing with such opponents of Doctor Mayhew as his former colleague, Pemberton, and we shall

discover reasons why Mr. Tennent might zealously attempt to guard his New York hearers against the "heresy" of their former Pastor.

Mr. Cumming was a native of Freehold; was born there in 1726; and the Pastor of the Presbyterian-church, there, was both his Pastor and instructor. Indeed, William Tennent, the father, took charge of his theological studies and his preparation for the ministry; and, during this period, the son, a little boy playing about the house, must have been familiarly acquainted with Mr. Cumming, then a young man of from eighteen to twenty years of age. At the outset of his ministry, Cumming would naturally be in theological sympathy with his instructor; but, when, on a hotly-controverted point, he diverged in a different direction, it would be far from strange that Mr. Tennent, the father, should resent it, while the son, trained to accept his views, would share that resentment with something of a youthful fervor.

Thus would he be prepared, at the very outset of his ministry, and, especially, among a people to whom Mr. Cumming had ministered, to signalize his orthodox zeal by a somewhat vehement repudiation of (what was soon to be known as) the Hopkinsian error. Such expression of his views, moreover, "he could feel assured" would meet a warm welcome among Mr. Cumming's former hearers, who would naturally feel themselves compromised by his apostasy to Hopkinsianism, and who, amid the charges of the Scotch party, would be especially eager to vindicate themselves from the accusation of accepting novel theological speculations.

The Sermon of Mr. Tennent had been issued but a few weeks before the work of Hopkins, which might have seemed the most fitting occasion for its production, appeared. It was an octavo of one hundred and forty-five pages, and bore the title, *An Inquiry concerning the Promises of the Gospel; whether any of them are made to the Exercises and Doings of Persons in an unregenerate state. Containing remarks on Two Sermons published by Dr. Mayhew of Boston, entitled, Striving to enter in at the straight gate, explained and inculcated, and the connection of Salvation therewith proved from the Holy Scriptures. Also, a Brief Inquiry into the use of means, showing their Necessity in order to Salvation, and what is the true Ground of Encouragement for Sinners diligently to attend on them.*

This closing portion of the work seems to have been regarded as specially objectionable, in different quarters. Rev. Mr. Hemmenway, of Wells, Maine, who professed substantial agreement with Doctor Hopkins, in his view of the state of the unregenerate and their immediate duty to repent, and who likewise disclaim-

ed the belief that there were any promises in Scripture made to their prayers or doings, came before the public with a work entitled, *Seven Sermons, on the obligation and encouragement of the unregenerate, to labor for the meat which endureth to everlasting life. Preached in the First Parish in Wells, by Moses Hemmenway, Pastor of the Church there.* Boston: Kneeland & Adams. 1767. 8vo. pp. 204.

Almost contemporaneously, the venerable Jedidiah Mills of Ripton, Connecticut, who had been one of the leading friends of the Revival, twenty-five years before, and who had been regarded as sympathizing with the class represented by Bellamy, Edwards, and Hopkins, felt called upon to enter his protest against the closing part of Hopkins's book. This he did in a volume entitled, *An Inquiry concerning the state of the Unregenerate under the Gospel; containing Remarks on the tenth section of the Rev. Mr. Samuel Hopkins's late answer to Doctor Mayhew's Sermon on striving to enter in at the straight gate, entitled, A Brief Inquiry into the use of means.* By Jedidiah Mills, Minister of the Gospel in Ripton, Stratford. New Haven: B. Mecom. 1767. 8 vo., pp. 124.

To this Hopkins replied in, *The true state and character of the Unregenerate, stripped of all misrepresentation and disguise: a Reply to Mr. Mills's inquiry concerning the state of the Unregenerate under the Gospel; containing remarks on Mr. Hopkins's section on the use of means.* By Samuel Hopkins, A. M. New Haven: T. & S. Green. 1769.—8 vo. pp. 184.

In this, he spoke in a tone and manner with which some of his own friends were not satisfied; but, in point of argument, driving his antagonist out of the field. Hopkins had hitherto paid no attention to Hemmenway, whose distance from the scene of conflict had allowed or warranted him to pass him by, with the slightest possible notice. But, on the publication of the reply to Mr. Mills, Hemmenway prepared to encounter Hopkins in behalf of the former as well as himself.

But while Hemmenway was preparing for his task, other antagonists, nearer home, took up the controversy with Hopkins. Rev. William Hart, of Saybrook, one of the most prolific as well as vigorous pamphleteers of his time, entered the field with, *Brief Remarks on a number of false propositions and dangerous errors which are spreading in the country; collected out of sundry discourses lately published; wrote by Dr. Whitaker and Mr. Hopkins. Written by way of Dialogue, By William Hart, A. M., Pastor of the First Church in Saybrook.* New London: T. Green. 1769. Small 8 vo. pp. 71.

To this Hopkins, replied in, *Animadversions on Mr. Hart's late Dialogue; in a letter to*

a friend. By Samuel Hopkins, A. M., minister of the gospel. New London: T. Green. 1770. 8 vo. pp. 31.

This was promptly followed by a brief reply from Mr. Hart, entitled, *A letter to the Rev. Samuel Hopkins, occasioned by his Animadversions on Mr. Hart's late Dialogue, in which some of his misrepresentations of facts and of other things are corrected.* By the author of that Dialogue. New London: T. Green. 1770. 8 vo. pp. 16.

As Hopkins paid no attention to this, and, evidently, had been sorely annoyed by an anonymous production of Hart's—*A Sermon that never was preached, and never will be*—intended to ridicule his doctrines, Hart was not disposed to rest simply on the defensive. Identifying Hopkins with Edwards, he published *Remarks on President Edwards's Dissertations concerning the nature of True Virtue: showing that he has given a wrong idea and definition of Virtue, and is inconsistent with himself. To which is added an attempt to shew wherein true virtue does consist.* By William Hart, Pastor of the First Church in Saybrook. New Haven: T. & S. Green. 1771. Octavo, pp. 52.

Meanwhile, the controversy spread in other quarters. Mr. Hart, in his *Dialogue*, had been full as severe upon Doctor Whitaker as upon Doctor Hopkins, identifying the two as holding the same scheme. Doctor Whitaker, whose two Sermons, published in London, soon after his mission to England for Doctor Wheelock's School and Dartmouth college, had invited Mr. Hart's animadversions, replied to them, in an Appendix to a reprint, at Salem, Massachusetts, of these two Sermons, bringing out Mr. Hart in another pamphlet, entitled, *A Letter to the Rev. Nathaniel Whitaker, D. D., wherein some of his gross misrepresentations of Mr. Hart's doctrines in his Dialogue entitled, A Brief Examination, &c., and his false and injurious charges against him, contained in his Appendix and Postscript to his Discourses on 2. Cor. v. 19, lately reprinted at Salem, are detected and justly censured. With remarks on sundry doctrines tending to illustrate and confirm the truth, and expose the contrary errors taught by the Doctor.* By the Author of that Dialogue. New London: 1771. 8 vo. pp. 62.

Besides Doctor Whitaker, several other pamphleteers joined in the conflict—among them, Rev. Israel Holly, whose anti-Hopkinsian pamphlets, of a later date, are among the raciest contributions to the controversy; his antagonist, Rev. Mr. Bartholemew, of Harwinton, not unnoted in the Wallingford controversy; and Rev. Moses Dickinson of Norwalk, with whom Tennent had been so recently settled as colleague. The pamphlet

of Dickinson, published at the request of the Association of Fairfield-county, showed how wide a range the controversy had now begun to take. It discussed two questions—"Whether Blindness is the primary cause of all the wickedness, etc.," and "Whether Regeneration is the work of the Spirit." This appeared in 1770.

At length, in 1772, Doctor Hemmenway's reply to Hopkins appeared in an octavo, of two hundred and twenty-seven pages, with the title—*A Vindication of the Power, Obligation, and Encouragement of the Unregenerate to attend the means of Grace, against the Exceptions of the Rev. Mr. Samuel Hopkins, in the Second part of his Reply to the Rev. Mr. Mills's, The True State and Character of the Unregenerate, &c. Boston: 1772.*

With less delay than Mr. Hemmenway, Hopkins hastened to confront his various antagonists, Hemmenway included. But, before his answer appeared, several other pamphlets had been published. The Rev. Moses Mather, of Stamford, the opponent of Bellamy on the Half-way Covenant, ranged himself in opposition to Hopkins. An anonymous pamphleteer, alarmed by the views put forth in Hart's *Dialogue*, yet anxious to avoid the character and tone of a controversialist, and not fully agreeing with either party, issued *Common Sense: in some free remarks on the efficiency of the moral change. Addressed to those who deny such efficiency to be moral. By a Bystander. New York: S. Inslee. &c. 1772. 4to, pp 49.*

The imprint of this pamphlet, issued at New York, instead of Boston, New London, or New Haven, as well as its superior style of typography, indicated that its anonymous author was a "By-stander," in the sense, at least, of not being mixed in the controversy, as a Connecticut clergyman. The metaphysical character of the pamphlet was more marked than the same feature, in most that had preceded; and while its frequently forcible eloquence suggested a pulpit rhetorician equal to Bellamy, its distinctions and division argued a thinker of a somewhat different class. We may presume that it came from a Presbyterian source; and, while avoiding to enter upon the real question between Hopkins and Hemmenway, it was evidently designed to correct the laxer views of depravity maintained or suggested by Hart. At this day, it is, perhaps, impossible to determine its source; but the man of all others, whose Connecticut origin, native ability, culture, general acquaintance with theology, and interest in the great questions of the day, would indicate as the probable author, was Elihu Spencer, the successor of "the great Mr. Dickinson," at Elizabethtown,

and, at this date, Pastor of the Presbyterian-church, at Trenton.

No public notice of this pamphlet was taken by other parties in the controversy. It coincided, fully, in its views with neither side; and to Hopkins it was, perhaps, unknown when, a few months later, he replied to Hemmenway, Hart and, Mather, at once. His reply was *An Inquiry into the nature of True Holiness. With an Appendix, containing an answer to the Rev. Mr. William Hart's remarks on President Edwards's dissertation on the nature of true virtue; and brief remarks on some things the Rev. Mr. Mather has lately published—also an answer to Rev. Mr. Hemmenway's Vindication, &c. By Samuel Hopkins, M. A., Pastor of the First Congregational Church in Newport. 1773. 8 vo., pp. 220.*

But Hemmenway was not disposed to allow Hopkins the last word; and, so far as the two men were concerned, he closed the controversy with *Remarks on Mr. Hopkins's Answer to a Tract entitled A Vindication, etc. By Moses Hemmenway. 1774.*

The controversy was now transferred to other quarters. Rev. Israel Holly, who had been, for many years, a Separatist preacher, in Connecticut, published, in 1780, *Old Divinity preferable to Modern Novelties*, a second part appearing in 1795. The ground taken by Mr. Holly was substantially the same with that taken by Doctor Hemmenway, distinguishing between the matter of duty and the spirit in which it must be performed, in order to comply with the commands enjoined upon sinners.

In the same year that Mr. Holly's pamphlet appeared, the Rev. Doctor Spring of Newburyport, preached a sermon on *The Importance of Sinners coming immediately to Christ*. Two of his brethren, settled in his vicinity, the Rev. Doctor Dana and the Rev. David Tappan, afterwards Professor of Divinity in Harvard-college, were strong anti-Hopkinsians; and, in 1782, each appeared—in part, probably, on account of Doctor Spring's Sermon, printed two years before—in opposition to the "new divinity," which would allow no doings of the unregenerate, or any use of means to be interposed between the command and the Sinner's coming to Christ. Doctor Dana published two discourses from *Proverbs* xv., 8, on the sacrifice of the wicked; and Doctor Tappan published, also, two discourses which contributed to the opening of the controversy, one on the *Character of Amazinah*, and the other on *The character and best exercises of unregenerate Sinners set in a Scriptural light*.

At issue with the views thus presented and advocated, Doctor Spring published, in 1784, *A Friendly Dialogue on the Nature of Duty*, bearing special reference to Doctor Tappan's Sermon

on the *Character of Amaziah*. In the following year, Doctor Tappan replied in an elaborate pamphlet entitled, *Two Friendly Letters to Philalethes*. This was followed, in 1789, by *Disquisitions and Strictures on Rev. Dr. Tappan's Letters*.

Other phases of the Hopkinsian system now began to attract attention, in New England. Especially was this the case after the publication of Hopkins's theology, in 1793. Previous to that date, however, pamphlets were published by Rev. Andrew Lee, Josiah Sherman, Samuel Austin, and Samuel Whitman, the first two in Connecticut and the last two in Massachusetts. Subsequent to the publication, Rev. Doctor Samuel Langdon published, in a letter to a friend, his *Remarks on the Leading Sentiments in the Rev. Dr. Hopkins's System of Doctrines*; and from this date, with brief intermissions, Hopkinsianism was kept, for years, before the community, either by pamphlets or local controversies.

A pupil of the Rev. Doctor Spring, and a member of his church, pursuing, also, his theological studies under his direction, could scarcely be expected to be any thing else but an Hopkinsian. Such a pupil was the Rev. Charles Coffin, who first visited Tennessee, in 1800, and, ten years afterward, was elected President of Greenville-college. He "was viewed," says Rev. Doctor David Dana, "as one of the most acute and able defenders of the new system." Through his influence, Hopkinsianism acquired standing and prestige in Eastern Tennessee, although it had established, for itself, a foothold there, already.

Doctor Coffin had been preceded in this field and in the Presidency of the College, by the Rev. Doctor Ezekiah Balch, a native of Maryland; a graduate of Princeton-college, in 1762; and, after a laborious ministry of more than twenty years, a pioneer missionary to Tennessee. In 1793, he had matured his plan of the College; in 1794, he was elected its President; and, in 1795, he visited New England to collect funds for the institution. It was on this visit that he became thoroughly confirmed in his Hopkinsian views and sympathies, although the tenets to which he gave prominence were not these which had been controverted by Messrs. Mills and Hemmenway.

Foote, in his *Sketches of North Carolina*, says: "Mr. Balch having made a trip into New England, imbibed the theological opinions which were put forth in Dr. Hopkins's *System of Doctrines*, then recently published. These new opinions, Mr. Balch published in the form of *Articles of Faith*, in the *Knoxville Gazette*. In propagating these views, he was overbearing and abusive. The subject was brought before the Presbytery of Abingdon,

"and, upon some unmeaning apologies, from Mr. Balch, it was dismissed. Such was the state of excitement produced by these transactions, that five of the leading Ministers in the Presbytery, Messrs. Charles Cummins, Edward Crawford, Samuel Douke, Joseph Lake, and James Balch, in 1797, withdrew and constituted as 'The Independent Abingdon Presbytery,' professing, at the same time, their readiness to return to the Presbytery as soon as a proper exercise of discipline should be used, with Balch and his adherents."—(Page 293.)

His subsequent experience is, in part, given by Doctor Coffin, in Sprague's *Annals*, iii., 314-316. He says: "It will, perhaps, be sufficient to say that he sympathized with that class of New England Divines who were and still are known as Hopkinsians. His most familiar and favorite sentiment was that all true holiness, both in God and his intelligent creatures, consists in impartial, disinterested goodness, will, love, and benevolence, to all beings capable of happiness; and a benevolent complacency in the moral excellency of all who possess this essential qualification for happiness, and for promoting its diffusion. The first impression which his preaching made upon his church and large congregation, after his return from the North and East, as I received abundant evidence from many of them, was very generally favorable. But alarms were gradually excited among his people; and, in due time, when he thought the case required it, he was heard by his Presbytery,—that of Abingdon,—before whom he stated what were his views of Divine truth, which he fully believed were vindicated both by the Bible and the *Confession of Faith*. So satisfied were the majority of that body that he embraced nothing heretical, or dangerous to the souls of men, that they passed a vote to this effect; and agreed, individually, to do what they could to quiet any alarms existing among the people.

"But so dissatisfied were the minority with this procedure, and so little did they believe that any appeal could serve their cause, that they withdrew from the connection of the Synod and General Assembly, and constituted themselves an independent Presbytery. At their return to order, with due acknowledgment to Synod of the incautious step they had taken, the Presbytery of Union, composed of Mr. Balch and those Ministers of Abingdon Presbytery who had not taken ground against him, was constituted; and with what spirit, the very name by which they chose every where to be known, sufficiently and very truly indicates. Yet the alarms

"kept up by the remaining members of the Presbytery of Abingdon extended to those who had removed from Washington and Greene-counties, to inviting lands below, within the bounds of Union. Yet the better spirit ultimately prevailed.

Speaking of his trial, before the General Assembly of the Presbyterian Church, Doctor Coffin says: "I was informed by Ministers and others, in the Middle States, that when the charges against him had been publicly read and the testimony heard, and his time for defence was announced, he arose with humble boldness, and nobly exerted his power to distinguish, explain, and prove, from the Bible, what he had been contending for as the truth of God; that he was heard with profound attention, by that venerable body and a large crowd of spectators; and that he was much extolled by persons present for his frankness, intrepidity, perspicuity, and earnestness, combined with the submissive deference due to so respectable and numerous assembly of ecclesiastical judges. In order to show something of the impression made, at the time, upon men of improved minds and deep thinking, it may suffice to state one anecdote out of a number. The celebrated Dr. Rush, in the midst of extensive professional engagements, had received such information of the interesting trial of a Tennessee clergyman, that he chose to take time and hear the defence. At the close of Mr. Balch's speech, the Assembly adjourned for dinner. The Doctor procured, at the door, an introduction to him; though he had seen him on his soliciting tour, and given him his patronage by his name and donation. He pressed him to go home and dine with him. Mr. Balch made his arrangements with reference to others, and went with the Doctor. 'Sir,' said the latter, 'when a Gospel Minister will come six hundred miles to face his prosecutors and defend the assailed principles of his religious faith with the zeal and intrepidity which I have witnessed, to-day, before the highest tribunal on earth to which he could be cited, my heart cannot but beat warmly in his favor, whether his sentiments and mine are identical or not.'

Again, "When the Assembly's Committee brought in their Report upon his 'Creed,' (see the *Digest*), in which they pointed out three particulars as errors held by him, according to their understanding of words ascribed to him, by witnesses; and after hearing his defence, he said he felt assured, when he heard them read, that he had never held or asserted them as truths. Hence the thought immediately struck him—men appear now to

"be leaving you; if God should leave you, your condition would indeed be dreadful. 'But,' he added, 'the very next thought that took possession of my soul, and nerved me afresh was—I will at all events stick to God's truth.' That very evening, a Clergyman,—not of the Assembly—who had been a close observer of the whole course of the trial—one who felt, as he perceived many others did, that the Committee had been led, by words reported as Mr. Balch's, to mistake his real sentiments, as he had unfolded them in his principal address to the Assembly and in his more private communications to his friends, came to him, in much excitement—we may hope with more love for the truth, as it is in Jesus, than soundness of practical judgment, and thus addressed him—'Sir, I am afraid you will not get fair treatment. My advice to you is to go, to-morrow morning, and tell the Assembly that you have been so misunderstood by their Committee that you do not see much prospect of getting justice from them as a judicatory; and that you therefore appeal from their fallible tribunal, to the infallible tribunal of the Lord Jesus Christ.' Mr. Balch had courage enough, and, if left to himself, might, in his extremity, have had rashness enough to have welcomed the suggestion. But, from his large and righteous heart, instantly burst forth the following Christian reply:—'A schism in the Church, Sir, is a dreadful thing. I should not like to be the guilty cause of any such curse. My shoulders are pretty broad—I trust they will spare my conscience. If they will only do that, Sir, I can bear, for the truth's sake, whatever burden they may think it their duty to put upon me.' Others, of better judgment, came to advise him, and to pray with him for the favorable interposition of Heaven. At length, Mr. Irwin of Neshaming, who had, with great vigor and boldness, sustained some of his controverted sentiments before the Assembly, called upon him, and put into his hands a small piece of paper, and asked him to consider its contents and let him know whether he could, with a clear conscience, make the import of that writing his final answer to the Assembly, and rest the issue of his trial upon it. When he had read it and felt assured that he correctly understood it, he replied that he readily could adopt it, without the smallest reserve, for it stated the truth of facts and nothing else; but that he had been so misapprehended by the Committee, in their adopted Report, that he was at a loss to know whether it would probably be accepted. His friend answered him: 'I know so much of the minds of the members,

"that I have no doubt it would ; and I entreat you to make use of it." Accordingly, when the Assembly called for his ultimate answer, he gave it nearly in the exact words of the paper handed him. I cannot tell who wrote it. Mr. Balch thought Mr Irwin wished him to understand that he did not, himself. From Dr. Green's personal friendship and conduct, during the trial, he immediately said to him, 'It looks to me as coming from Dr. Green.' 'If so, it comes from a most estimable source,' said Mr. Irwin; 'and that is enough for me to say.' The answer was accepted by such a majority as precluded any need of dividing the house to ascertain it. So soon as the Moderator, the Rev. Dr. John B. Smith, had declared, in the name of the Assembly, their vote of acceptance, and, by obvious implication, of acquittal, in favor of Mr. Balch, and given him the admonition agreed upon, and a concluding prayer had been thankfully offered, Dr. Green arose, with a majestic dignity in his commanding eye and face, and kindly said: 'Moderator, Mr. Balch is now in as good and regular standing as any member of this Assembly ; and I move you, Sir, that he and the Minister and Elder in Tennessee now come forward, in the presence of this judicatory, and shake hands, in token that they will go home with the full purpose to live in Christian love and peace, hereafter.' Mr. Balch immediately stood on his feet, and, his hand upon his generous and forgiving heart, said,—'Moderator, here is my heart ; and here are both my hands,' extending them, earnestly. They did shake hands, forthwith, to the general satisfaction of that truly Christian and enlightened body. Thus amicably and providentially ordered was the most important ecclesiastical trial of Mr. Balch, leaving him, at its termination, the unrestricted enjoyment of that faith which he had abundantly shown to the Church and to the world was dearer to him than anything else he could call his own."

Through the influence of Doctors Balch and Coffin, as well as that of the Rev. Doctor John Anderson, who conducted the theological education of a considerable number of young men, Hopkinsianism attained a wide prevalence, if not the ascendancy, in Eastern Tennessee; and this fact is not without significance, in connection with the division of the Presbyterian church, in 1837-8, a large proportion of Pastors and Churches adhering to what was then known as the "New School."

But while Doctor Balch, fresh from his visit to New England, was propagating his views in the South-west, an effort was made to spread

Hopkinsianism in New York. Hopkins's work on Holiness, omitting the Appendix in reply to his assailants, was reprinted, there, in 1791; and, a few years later, 1797, *The Theological Magazine* was established, which continued, however, only three years. To this, Doctor West, of Stockbridge, the younger Edwards, and others, classed as Hopkinsians, were contributors. Some of its articles attracted attention and provoked replies, from English writers; but the controversy seemed to die away, until the time of the settlement of the Rev. Doctor Gardner Spring, as Pastor of the Brick-church, in 1810. His father was well known to be an ardent Hopkinsian; and the members of the Presbytery found, on his appearance before them, for examination, with a view to Ordination, that their suspicions of his adherence to his father's views were well-grounded. He read to them a trial Sermon, "as strong, on natural ability, as Hopkins, Smalley, or Emmons would have preached." Some of the Presbytery were opposed to his settlement. Others, disposed to concession, thought that, if he were kindly dealt with, he would yet prove pliable and by no means persist in making prominent his obnoxious views. To this, the Rev. Ezra Stiles Ely, who had previously joined the Presbytery, and who had been intimate with him, during his College Course, at New Haven, as well as subsequently, replied, "Gentlemen: You do not know that young man. What he is now, that he will be to the end of the Chapter."

The Presbytery hesitated; and there was manifest a strong disposition to refuse him Ordination. But, at the critical moment, the Rev. Doctor Miller, of the Wall-street-church, arose and said, "Brethren: You can reject Mr. Spring if you see fit; but in rejecting him, you reject me with him." This decided the question; and Doctor Spring was ordained Pastor of the Brick-church.

But opposition to him did not cease with his settlement. He was not a man to conceal his views, any more than to make an obnoxious parade of them. Other Pastors of the city showed themselves disposed to guard their people against the Hopkinsian leaven; and a powerful under-current of opposition to Hopkinsianism gave evidence, by manifest tokens, of its existence.

At this juncture, moreover, a Missionary Society, conducted by the young men of New York, was in the flush and vigor of its young enterprise. Among the Missionaries nominated for its patronage was the Rev. Samuel Hanson Cox, just entering upon his long and eminent ministerial career. The anti-Hopkinsian members of the Board of Managers of the Society

took the alarm and resisted his appointment. It was, at length, decided that he should be examined. But to this Doctor Spring objected. He was prepared to vouch for the orthodoxy of Mr. Cox. More than this, he was willing to be examined as his proxy. Strangely enough, the offer was accepted; and Doctor Spring, appearing in place of Doctor Cox, was rejected upon examination.

The result that might have been foreseen followed. The Society, composed of elements that could no longer work together or confide in each other, was rent in twain. The controversy was participated in by the laity as well as the clergy. It found its way, not only to the pulpits, but to social circles and business meetings of benevolent Societies.

But before it had reached this stage of development, a new controversialist appeared on the arena; and, by the vigor of his pen, the keenness of his wit, and his thorough mastery of the arts of controversial argument, drew to himself an almost unprecedented share of attention. This was the Rev. Samuel Whelpley, best known as the author of *The Triangle*, the first number of which appeared in a New York journal, and produced such a sensation that the editor declined to insert the second number, and left the author to issue his work in the form of pamphlets.

Mr. Whelpley became suddenly famous, and attracted to himself the opposition and the odium that had been much more widely distributed before. He had been, in earlier years, a Baptist Clergyman, in the region of Western Massachusetts, where he had become acquainted with the Rev. Doctor West, of Stockbridge; had imbibed Hopkinsian views; and had, almost at the same time, surrendered his Baptist sympathies and renounced his connection with the denomination to which he had belonged. In feeble health, he had turned his attention to the work of teaching, and rarely, if ever, appeared in the pulpit. Indignant at what he considered the unfriendly, if not persecuting, treatment to which New England men were subjected, on the ground of their adherence to the "New Divinity," he determined to assail their assailants. This he did, with a piquancy and vigor which created something like consternation in their ranks. Their "triangular theology" was depicted as little better than fatalism; and their intolerance was berated in a richness of invective which, at least, manifested the resources of the English language. Having no evil to fear and no favors to expect, he wrote in a style which, if somewhat more chaste, might have earned him the epithet of the modern theological "Junius." Speaking for instance, of the "Triangular" Clergy, he

pays a tribute to the greatness of Jonathan Edwards and the littleness of Rev. Ezra Stiles Ely, who had, five years before (1811) signalized himself by the publication of *The Contrast*, in which he had set Hopkinsianism and genuine Calvinism in opposite and parallel columns. The task had been sanctioned, if not suggested, by the class of Ministers opposed to the settlement of Doctor Spring; and Mr. Whelpley could not refrain from contrasting the "great gun of the city," the Rev. Doctor John M. Mason, with the little "pop-gun," the author of the *Contrast*.

In an early number of the *Triangle* (1816), he said, "It is nothing to them, that to claim 'the birth of such a man as Jonathan Edwards, 'is an honor to a nation; that for vigour of 'intellect he can fall into no class beneath that 'of Newton and Aristotle. As to 'verbiage', 'his writings, and those of many of his brethren, will be read with instruction and pleasure, 'when the vapid books of those who cast the 'reflection, written with moon-beams, and 'dictated by the night-mare, shall have perished 'in the rubbish, lumber, and rust of libraries.

"There are two very cogent reasons why 'they do not answer the books of these tautologists; one is, because they never read them. 'This, of all suppositions, is the most charitable, after hearing their statements, so infinitely 'distant from the truth. Had they read the 'books they condemn, they must either hold a 'different language, or give up all pretence to 'veracity. The other is, that were they to 'read these books, and in those few instances 'where they have read them, they cannot 'answer them. Were they honest and candid 'they would say, as Doctor Taylor said, after 'reading a small tract of Edwards, 'I have 'been writing these thirty years, and this 'little book confutes it all.'

"But they have no notion of argument; they 'do not like that way of defence; it is too 'metaphysical. Their plan, both of defence 'and attack, is drawn from two sources; bold 'assertions, and gross ridicule. Yes, the great 'gun of the city has been fired so incessantly, 'charged with this kind of ammunition, that 'he is suspected by many to be breech-burnt. 'But he does not shoot bullets, of consequence 'no body is killed. And, not only the great 'gun, for I love to talk figuratively, but field-pieces, swivels, blunderbusses, muskets, carbines, pistols—even down to pop-guns, have 'fired in squadrons and battalions; and some, 'I believe, as small as the cannon made by an 'artist of the Queen of Sweden, to shoot fleas 'and bed-bugs with, which is still kept as 'a curiosity in the Swedish museum. One of 'this last description it was that fired off the

"*Contrast*, already mentioned. But likely he "did not kill even a bug."—(Pages 70, 71.)

The sketch of Doctor Ely, is at once vivid and venomous. "Some of this description there "are from New England, who were once professed Hopkinsians—stars in the Zodiac.

"'But, O, how fallen!—how changed!'

"Of this number is the Queen of Sweden's "little cannon, who, little as he is, is a sharp-shooter. He it was, as I before said, that "shot off the *Contrast*. A disappointment in "love, it is commonly reported, made him at "once, an anti-Hopkinsian and a poet. His "poems were so lucky in the article of flattery, "to certain great men he wished to please, that "they effectually did his business for him; "and I expect few have read them without "feeling a strong propensity to do the same "for themselves. There goes a pleasant story "with regard to this man. It is said, after his "total defection, wishing to convince a certain "audience of the enormous errors of the Hopkinsians, he read them, as a specimen, one of "his former sermons. I believe few will wonder that his audience should be struck "with horror. His poems fully indicate his "disappointment, as they abound in the well "known

"'Hair-brained, sentimental grace.'"

Not grace in Calvin's sense of the word, for "neither his poems, *Contrast*, nor conduct, show "much of that. But, whether the Hopkinsians "have reason to regret the cruelty of his mistress, or the lovers of poetry to rejoice in it, I "leave for future consideration."

"He adds, "But why all this uproar? A majority of the Synod of New York and New Jersey are full in the sentiments I have advanced. "And will these people unchurch the Synod, "and turn them out of doors? The General Assembly of the Presbyterian Church may be "nearly equally divided; though, in that body, "the number in favor of what I consider "correct sentiments is rapidly increasing."

A reply was made to the *Triangle*, in a small pamphlet, said to have been written by the Rev. Alexander Gunn, a Clergyman of the Reformed Dutch Church of New York. Its most effective points were its criticisms of the rhetorical exuberance of the author of the *Triangle*; and it is memorable, now, simply in connection with the work that has saved it from oblivion.

Before the author of the *Triangle* had commenced his task, the Hopkinsian leaven was at work, farther North, on the banks of the Hudson. The Rev. Seth Williston, originally from New England, had, several years, previously, commenced his labors in the then new field, West of the river, finally settling at Durham, in

Greene-county. The Rev. Nathan Bangs, subsequently eminent as a leading Clergyman of the Methodist Episcopal Church, came into collision with him, in a public debate, about 1814-5. So far as the latter was concerned, the result of it was the publication, in a duodecimo of three hundred and twenty-four pages, of *The Errors of Hopkinsianism Detected and Refuted. In six letters to the Rev. S. Williston. New York. 1815.* To this, Doctor Williston replied, in *A Vindication of some of the most Essential Doctrines of the Reformation; being a reply to objections raised against these doctrines, in a late publication, entitled The Errors of Hopkinsianism Detected and Refuted, etc. To which is added a Sermon on the Goodness of God manifested in Governing the hearts of his enemies. Hudson. 1817,* making a closely printed duodecimo of two hundred and sixty-four pages. Several other local controversies, of less importance, in the same or neighboring regions, brought forward some of the Calvinistic tenets, which, to some extent, as in this case, were reprobated as Hopkinsianism.

But, in Philadelphia, at nearly the same time, not a little agitation and discussion was occasioned by the threatened spread of the "New Divinity." A few years before, the author of *The Contrast* had been called to the Church, in Philadelphia, made vacant by the removal of the Rev. Doctor Alexander to a Professorship in the new Theological Seminary at Princeton. Doctor Ely carried with him, to his new field, something of the zeal which lead him to prepare *The Contrast*. The spread of Hopkinsian sentiments, in his vicinity, occasioned him alarm; and, at his instance, the attention of the Synod with which he was connected was called to it. Their response was doubtless all that Doctor Ely could have desired. Their action took form as follows: "The Synod assembled in Lancaster at the present time consists of a greater number of members than "have been convened at any meeting for many "years; and, from their free conversation on "the state of religion, it appears that all the "Presbyteries are more than commonly alive "to the importance of contending earnestly for "the faith once delivered to the saints, and of "resisting the introduction of Arian, Socinian, "Arminian, and Hopkinsian heresies, which are "some of the means by which the enemy of "souls would, if possible, deceive the very "elect.

"The Synod desire to cherish a stronger regard for the truth as it is in Jesus, than they "find at present subsisting among themselves; "and, because they are not ignorant of the "disposition of many good men to cry 'Peace,' "where there should be no peace, and 'There

"is no danger,' in cases in which God commands us to avoid the appearance of evil, they would affectionately exhort each Presbytery under their care, to be strict in the examination of candidates for licensure or ordination, upon the subject of those delusions of the present age, which seem to be a combination of most of the innovations made upon Christian doctrine in former times. May the time never come in which our ecclesiastical courts shall determine that Hopkinsianism and the doctrines of our *Confession of Faith* are the same thing, or that men are less exposed now than in the days of the Apostles, to the danger of perverting the right ways of the Lord. The Synod would exhort, particularly, all the Elders of the Churches to beware of those who have made such pretended discoveries in Christian theology as require an abandonment of the 'form of sound words,' contained in our excellent *Confession* and the Holy Scriptures."

The matter came, however, before the General Assembly, upon a review of the Minutes of Synod, and was disposed of, not much to the satisfaction of the Synod, by the adoption of the following: "The Committee appointed to examine the records of the Synod of Philadelphia, reported; and the book was approved to page 499, excepting certain parts of a Pastoral Letter, commencing in page 494, and a Resolution in page 493, which enjoins on the several Presbyteries belonging to the Synod, to call to an account all such Ministers as may be suspected to embrace any of the opinions usually called Hopkinsian. On these parts of the records, the Assembly would remark that, while they commend the zeal of the Synod in endeavoring to promote a strict conformity to our public standards, a conformity which cannot but be viewed as of vital importance to the purity and prosperity of the Church—the Assembly regret that zeal on this subject should be manifested in such a manner as to be offensive to other denominations, and especially to introduce a spirit of jealousy and suspicion against Ministers in good standing, which is calculated to disturb the peace and harmony of our ecclesiastical judicatories."

This action of the highest judicatory of the Presbyterian Church effectually quenched the hope that it could ever be induced to exclude Hopkinsianism from its bounds, as necessarily heretical or too inconsistent with its standards to be longer tolerated. Doctor Ely, however, still manfully maintained his position, and indicated his zeal in the publication of two volumes of his *Quarterly Review*, (1819) in

which he did not overlook the obnoxious views of the Hopkinsians of Eastern Tennessee. For the present, however, the heat of the controversy had passed away. Some of the points which had been agitated in connection with it, came up, again, fifteen or twenty years later, when the alarm was again raised against the encroachments of the New England Theology. But the New Haven Divines scorned to wear the mantle of either Hopkins or Emmons; and some of their speculations were evidently designed to evade the necessity of accepting certain obnoxious positions taken by their theological predecessors. Hopkinsianism, as such, ceased to command any special interest; and the new controversies, while they revived some of its issues, ignored others, altogether. Certain views held by Hopkins have gained a very general acceptance. Others are either freely repudiated or referred to, as obsolete.

It will thus be seen that, at the close of more than a century after the Sermon of Mr. Tennent was preached in New York, the interest on the occasion which excited his alarm has become mainly historical. Hopkinsianism has excited local rather than general interest. At times, the opposition to it has been strong and intense; at others, it has been left unmolested and neglected. It has, undoubtedly, exerted an influence to modify, to some extent, the theology of the church; but it has had no effect sufficient to lead to any revision of the standards. It has been tolerated, as a form of Calvinism, not unexceptionable, indeed, but still, by no means, to be pronounced inadmissible. Mr. Tennent's apprehensions have not been realized; but he is entitled to the credit of being the first, within the bounds of the Presbyterian Church, to give them public expression.

[THE SERMON.]

[TITLE.] *God's Sovereignty, no Objection to the Sinner's striving.* | A | SERMON, | PREACHED AT | NEW-YORK | On the 20th of JANUARY, 1765. | And published at the earnest Desire of the Hearers. | By WILLIAM TENNENT, JUNIOR, A. M. V. D. M. | NEW-YORK: | Printed by JOHN HOLT, at the Exchange. MDCCLXV.

[DEDICATION.] TO THE | *Worthy and respectable Members* | Of The English Presbyterian Church, | In the City of NEW-YORK: | THE following pages delivered in their Pulpit, | and now printed at their repeated Solicitations; | tho' not without that diffidence which a first Appearance in Public, and a sense of his own Inequality to the | Subject, naturally beget; are humbly dedicated, with | every possible Wish for their Prosperity, and happiness by | Their | Humble | Servant, | THE AUTHOR. |

[SERMON.] *Strive to enter in at the straight Gate.* LUKE, XIII, 24.

SUCH doctrines as Christ taught, his disciples need not fear to teach; such admonitions as the infallible Saviour of the world hath given, we are warranted to give, and need not fear their consequence. When therefore we behold sinners, in gay and numerous multitudes, gliding carelessly down the broad way, that leadeth to destruction, while a solitary few struggle in the narrow path of virtue; what tho' some arise and cavil? What tho' some endeavour to bewilder the pious mind with difficulties? We may safely warn them, as did our divine master; we need not fear his displeasure, as some pretend, if we persuade them to stop their career, to strive and struggle, that they may enter the straight gate. But, that you may ascertain the meaning of our great Lord in the text,—I beg leave to direct your attention to two things,

1st. By the straight gate is undoubtedly intended, the terms of Christianity, or the conditions upon which our salvation is suspended.

To be assured of this, we need only reflect upon the figure made use of in the text; this is more largely and particularly inserted in MATT. vii, 13. Both of the evangelists without doubt, refer to the same expression of our Saviour; both give the same idea, but one more fully than the other; as in many other instances besides the present: By consulting both, we shall therefore get the true and full idea, which Christ designed to convey. MATTHEW only says, "*enter the straight gate.*" LUKE says, "*strive to enter.*" MATTHEW gives the meaning; but LUKE more fully; that LUKE gives the very words of our Lord, in this part of the sentence, we may reasonably suppose. For first, if he doth not, he certainly conveys an idea, more than was ever intended by Christ. A struggle towards entering is certainly more than simply entering. It appears in the second place, perfectly agreeable to the latter part of the figure, where the narrowness of the gate implies, the necessity of striving to enter it. MATTHEW mentions one reason for the direction, viz. "*for straight is the gate and narrow is the way that leadeth to life;* with this addition by way of alarm, "*and few there be who find it.*" LUKE doth not mention this, but another as alarming, viz. "*that many shall seek to enter and shall not be able.*"

By taking both together, you find our Lord's direction at large, which is this, "strive—struggle—be in great earnest to enter the straight gate; for wide is the gate and broad is the way that leadeth to destruction, and many go in thereat; but straight is the gate

"and narrow is the way that leadeth to Life, and few there are who find it; and let this your strife be without delay; for many, when it is too late, shall seek to enter and shall not be able."

WHERE, it is easy to perceive, that man, since the fall, is represented as by nature travelling in pursuit of happiness, but in a mistaken path; travelling in a way which tho' broad, descending and easy, yet leads unerring to the abode of death. Our divine Master represents himself as one who filled with compassion, at the sight of this numerous throng, gaily moving on to ruin, hath in his gospel opened a narrow gate for their reception, which, with the most disinterested pity, he persuades them to strive to enter. "The way you are in, says he, is confessedly broad, and you are kept in countenance by the multitude; but—I warn you, eternal death hath his dwelling there. This way is narrow and difficult; but life and happiness dwell here: Strive and struggle then to enter." &c.

By the straight gate, is therefore intended, the terms of Christianity, or the conditions of the gospel. And what are these, but repentance and faith? By the narrow way—*The continuance in these terms, or the progress of the Christian.* These are termed straight and narrow, because of the natural corruption and evil propensities of the soul, which make the duties of Christianity difficult and mortifying.

To enter the straight gate then, means neither more nor less, than to begin to be a Christian: to submit to the terms of the gospel, or to enter a state of grace: Remark this my beloved brethren, for it will be the foundation of our discourse.

2dly. But to whom is this direction given?—A second particular, which you will please to attend to. Is it to the saints? To those who are already in a state of favour with God, and are already treading the rugged paths of virtue? No—It would be an absurdity, that those who have already entered, should be persuaded to enter. They are not desired to continue—but to begin; it is to sinners, that the words are addressed; it is to those who are in the broad way of sin, which corrupt nature makes easy, and throngs with a multitude.

AND what direction doth he give them? What advice flows from his divine infallible lips? What direction, of consequence, is fit and proper to be given to all such poor wanderers by nature? What direction are his ministers, here-from warranted to give to the numbers, whom they behold treading the same downward road? Why,—"*strive to enter the straight gate.*" Let me remark, my brethren, there is more emphasis in the original word,

translated "*strive*," than can be crowded into any one English term, AGONIZESTHE. Let your strife be most intense and earnest; not only strive but struggle, as one who would force thro' a narrow pass. It signifies a struggling with a meer agony; I would render it *agonize*, and bow every power of the soul in the earnest attempt, as one who would save an immortal soul.

WHAT difference! What immense difference is there between this advice, and the opinion of certain modern reformers of doctrine, who insist, that sinners ought not to be put upon striving for the salvation of their souls; that they ought not to be directed to seek for faith, or an entrance into this straight gate, into these mortifying conditions of the *gospel*; and who brand all attempts to enter upon the narrow way of Jesus, with the foulest names.

OUR Lord commands; and therefore there must be certain strivings, not only lawful, but the absolute duty of the unconverted, that they may enter the straight gate.

BUT, because this notion is supposed by some to be inconsistent with God's sovereign disposal of grace; let me take up a little of your time.

I. In reconciling the notion of the sinners striving, with *that* of the unmoved bestowment of grace. And in the

II. Place, let me answer the objections offered to the doctrine.

I. In order to the first, let me lay down a few plain propositions, or considerations; which being attended to, the difficulties vanish, and the truths appear reconciled of themselves. And,

1st. God in the bestowment of his grace or sanctifying the soul, treats man not as he would a stone, in the new modelling its form, but as a reasonable being; by his divine power making use of motives and means, in changing his disposition. Such rational means and motives, as are in themselves fitted to influence the mind, infinite power makes use of, as the instruments in converting the mind. To what other end are all the rational and persuasive calls, to sinners in the gospel, if they are not to be the means in the hand of God, for their conversion? To what end are such glorious prospects set before them to awaken their hopes? Why such awful terror to alarm their fears? Such powerful motives to their gratitude? Such afflictive providences? Such instances of mercy and goodness which, (the apostle expressly asserts) lead to repentance? Are these only sent to vex and disquiet them, without any tendency to bring them to God? Why do we preach, and you hear? Why do we persuade, and you listen? Is the whole

intent, the only design of this to condemn and make miserable? God forbid, that we should harbour such a thought! To suppose that God would lay and execute such a plan, the whole design of which is to condemn and render more wretched—is a thought highly injurious to the great fountain of happiness.

Now, altho' we can conceive of God's implanting a principle of holiness into the soul, by his immediate power, without the interposition of any instruments, yet we have no reason to think that this is his ordinary method. Tho' by a single fiat the whole creation might have come into its present existence and order, yet he chose to do it in days, and by distinct commands; he saw fit that his spirit, or his winds, should move on the face of the water, &c. altho' he might have caused the whole human race to be in a moment, by a single command; yet he sees proper to make use of instruments in its production. As in the world of nature, so in the world of grace, he uses his word and ordinances; they are the instruments in the hands of infinite power, to produce the change; but they are only instruments, which without that power, would never effect it, more than the naked inactive tools would frame an house, without the workman's strength and wisdom. Hence God is said to "*beget us by his word*."

BUT here it is replied—what is this to our striving? Is there no distinction between the means which God uses with us, and those which we use with ourselves?

II. We answer by our second proposition, which is, that as our souls are rational, and to be changed by the interposition of certain motives and arguments in the hand, and set home by the power of God; so it is necessary, that we somehow or other, attend to these motives and arguments. If this is not the case, the *Toupinambouys in Africa*, are in as fair a way to be converted by the gospel, as we who have it in our hands. If there is not a necessity that we diligently attend to it, there can be no benefit in having it. If we never hear, if we never attend to these motives and arguments, how can they be the instruments of our conversion? If we never hear, if we never read, if we never meditate on the word of God at all; how can that word be the means of *begetting us again*? In this sense undoubtedly, "Faith is said to come by hearing,—and hearing, by the word of God." Now says the apostle, "How shall they hear unless there is a preacher? and how shall he preach unless he be sent?" Upon the apostle's plan, there must be a preacher—he must preach—we must hear, attend and consider, or else we cannot have faith. Here you see—we must be active in the matter. Now, as this is the ordinary way in which it hath

pleased God to communicate faith, is not he very absurd, who dreams of getting faith without such attendance and reflection, and all those other things which are consequent upon, and necessarily connected with it? And is not this, reason enough for us to persuade mankind, to go and hear the word preached, to attend with all their might, to strive by reflection to see and feel its force, and so on as to other duties? This kind of striving, you see, is absolutely necessary to faith and holiness, in the ordinary course of God's dealing with sinners.

AND we can see no reason, why this notion should be objected to, because there seems to be something done in the matter, which God hath not immediately done: For if it may be his sovereign pleasure, to make use of the instrumentality of others towards my conversion; I see not why he may not also make use of the instrumentality of my own thoughts and reflections, to bring about that desirable end.

AND if we may call the dealings of God with us, by the instrumentality of others, *The means of grace*; I can see no reason, why we may not also term his dealing with us by our own instrumentality, the means of grace likewise.

Now, my brethren, tho' some loudly exclaim against our calling these means, *the way in which* God usually confers his grace, because CHRIST hath by way of eminence stiled himself *the way*, that is, *the foundation or procuring cause of salvation*; yet, as there is an evident distinction between *the way*, or *manner in which*, and *the procuring cause for which*; and inasmuch as we always use it in the former sense, when we speak on this subject; I can see no reason to change the term, a term so expressive, until our great reformer of Christianity shall furnish us with a better.

To conclude this section, Altho' the salvation of a sinner, from first to last, may in a sound and theological sense, be termed a *miracle*, and is begun and accomplished according to the working of GOD's mighty power which he wrought in CHRIST when he raised him from the dead; EPH. i. 19, 20. Yet, as it has pleased God to subject his works in nature, to the instrumentality of second causes, and the ways of his providence and grace, in their ordinary dispensation, to the rational use of means; we are not to expect our salvation, or even the common blessings of this life, without using the means appointed to obtain them. There is a wide difference between what God can do, and sometimes does in an extraordinary way, and what we, as reasonable creatures ought to do. And we leave it to our hearers to judge, whether, according to the instituted method of divine grace, revealed in the holy scriptures, and confirmed by the experience of the saints, it is not

as reasonable to hope, that God will overset nature, and extinguish the sun by a miracle, for our salvation, as to expect it *without striving*; and in all seasons, whether ordinary or extraordinary, which have happened in the Church of God, the first evidence we have of a sinner's return—is, after diligent use of appointed means, and previous earnest striving. Saint PAUL's conversion was very sudden, and as miraculous as any we read of, yet the first notice we have of it, is, *behold he prayeth*. ACTS ix. 11. The conversion of the three thousand on the day of Pentecost, ACTS ii. 37. was in the way of an anxious concern for salvation; and we read, that from the days of JOHN the Baptist, the kingdom of heaven suffered violence, and the violent took it by force. MATT. xi. 12, And we have no reason to suppose, that salvation can be obtained on easier terms at this day.

OBJECTION. But if his striving is so necessary—may he not make a merit of it, and thus the bestowment of grace not appear wholly free? See here the principal objection to this scheme; which gives occasion to our

THIRD proposition, viz. *There is a wide difference between the way or manner in which GOD chooses to bestow his grace, and the procuring meritorious cause for which*. You may exemplify this in the case even of the saints. How are saints appointed to get more grace? Are they to be idle, and carelessly wait, to see whether a sovereign God will bestow it? No. They are to cry for it, and act like babes; according to St. PAUL, they are eagerly to "desire the sincere milk of the word, that they may grow thereby." Now their eager desires, their praying and crying, were it prolonged to eternity, cannot be esteemed an equivalent for one smile of their God. Their desires and prayers are not the procuring cause, or the merit for which God bestows more grace: They do not move him to do it, by way of desert; and yet he hath appointed this as the way, in which for CHRIST's sake, they may expect it. These ordinances, are the means he makes use of in conveying it;—CHRIST, and CHRIST alone, is the meritorious and procuring cause. Thus you see, there is an undeniable distinction, between the way, in which God, as a sovereign, chooses to confer;—and the procuring cause, for which. And if the saint, who obtains fresh supplies of grace in this way, hath no cause, and will never find cause, to boast of his having deserved, or moved God to it, by his prayers; much less will the poor sinner, whose attendance upon the means of grace, is so much more imperfect. "*Boasting is therefore wholly excluded.*"

If we consider matters strictly, we shall find

that our diligence to eternity, is not a sufficient payment for a morsel of bread.—The smallest mercy of God cannot be repaid by an eternity of our little services—much less can the unspeakable blessing of a new heart—a blessing, that extends its happy influence thro' perpetual ages! I say, much less can this be purchased, by a poor worm's listening, or praying, or crying. What! hath it ever entered the heart of a rational man, to suppose, that a few sighs, a few tears, a few moment's attendance to the proposals of the gospel, is a price to purchase a forfeited happy eternity? God therefore being under no obligation to our merit, even after we have done all, need not bestow his grace: And this scheme represents him as sovereign in his gifts, as sovereignty itself; or as the opposers of our doctrine can wish. You can conceive of nothing more sovereign and free, than that which is bestowed without any foundation of merit in the subject, but against merit. It is necessary that we should attend in that way, but the necessity of our so attending, doth not argue any desert in it, or that God is brought under any obligation; it only argues that God is sovereign in choosing the way of his bestowment, and even when we attend in that way, he is sovereign in bestowing, or not bestowing, as he pleases.

We therefore cannot see any cause our opponents have to cry out against the doctrine, as tending to lead sinners to expect justification in part, by their striving, and to leave only part of their justification to CHRIST. In this argument we have nothing to do with justification; and so much as to bring it in, by way of objection, is a gross impertinency, and only calculated to blind the unwary. Justification can only be founded on merit; and in this affair, we plead for no merit at all; we insist there is none.

It is true, the sinner, who is thus active, is less guilty than he who lives in rebellious contempt. But a bare absence of guilt—my being not so wicked for instance, as Beelzebub, is no reason God should bestow peculiar favours on me; it is no positive merit, but only a reason why I should not be punished equal to another.

BUT, say our opposers—"Suppose the man who hath thus attended and sought for mercy, to meet with his miserable friend in eternity, who had neglected thus to seek, and died in his sins; would he not have a right to accost him thus? "O thou miserable wretch! why didst thou not strive as I did, and have obtained?" Hinting, that his seeking had in some degree deserved the favour. We answer—thro' rich grace, the saints have a prospect of better judgments, than to be liable to the absurd mistake. The triumphant happy spirit, would necessarily

see, that altho' he had attended in the way which his sovereign had made necessary to his salvation; yet his so attending (altho' it rendered him, as far as it went, less guilty) had no procuring merit in it; and far from ascribing the praise to himself, his redeemer, who procured the blessing, would be all his song.

ONLY reason with yourselves, and you will find that the glorified saint, who sits upon a throne of more exalted eminence, in the world above; will have just as much reason to exult over his inferior friend, as the saint will have over the sinner. For God is as sovereign, in the bestowment of superior degrees of grace, in the use of means upon saints, as he is in giving grace to sinners at all. Our opponents cannot deny this, consistent with their own sentiments. And do you think that the most exalted spirit above, will have an opportunity to boast over the inferior? You need not alledge, that God hath bound himself by promise to his people, and therefore, there is a difference; they may strive and obtain more grace. God never acts, God never promises under the gospel, but upon the footing of equity and merit. If he hath promised, it is not upon the footing of desert in them, but only in CHRIST, and that in their attendance upon the means of his institution. The saint cannot deserve the mercy by his doings, more than the sinner. The favour conferred on him, is therefore as free grace, as that on the sinner; and if the sovereignty and freedom of grace, is an argument against endeavouring to obtain it, it wars as much against the saint's endeavours, as against those of the sinner.

THUS we see, a proper attendance to the plain distinction between the *way in which*, and the meritorious cause, *for which*, entirely removes all the difficulty about boasting.

BUT, you will say—"There is a wide difference; the saint can do actions that are spiritually good; the sinner cannot, for he is represented as spiritually dead. We answer, this does not at all alter the case, as to the sovereignty of God's bestowment, unless it be supposed that the spirituality of these actions do really merit such a bestowment; but this our opponents cannot allow, upon their own principles. And if their spiritual actions do not justify, or merit, they are as much the subjects of pure mercy as the sinner. This brings us to our

FOURTH proposition, which is, "Tho' the unconverted can do nothing that is spiritually good, yet they can do what is materially good; nor is this distinction vain. The matter and the form of duty are most obviously distinct. *Praying* is the matter of a duty—with *faith*, is the form of it. *Hearing* is the matter of a duty

—*with love*, is the form; *doing alms*, is the matter, *from a principle of divine charity*, is the form. Where these good dispositions are wanting, the form of the duty is bad—tho' the performer is nevertheless not so guilty, as he who neglects matter and form both. Now the sinner can pray, he can hear, he can do alms, he can do things materially good, tho' not formally so. The performance of these duties, as a natural man can perform them, is the way in which God usually confers his Grace, for CHRIST's sake, altho' they do not merit it; and such performance leaves him less guilty, than if he did not perform them at all. The one is only an improper compliance, the other an open affronting denial. If this is not a truth, then you can make no difference, as to guilt, between the most profligate, and him who is only outwardly moral. 'Tis as absurd therefore, as it is shocking, that some oppose the use of any means, by men in their natural estate, under the notion that they only render themselves more guilty, than they would be without them. It is not only contrary to reason, and sides with the cursed suggestions of the wicked heart, but opens a door to all licentiousness.

OBJECTION, "But will God ever reward duties sinfully performed?" It is not a reward that we look for in the present case; it is not a reward that we would have sinners expect. They are only to attend upon God in the way in which he ordinarily takes notice of sinners, hoping that sovereign pity will deign to light on them, and confessing that they may with justice be abandoned after all.

Our fifth and last proposition is founded on the rest, viz. *The man who carefully attends upon the means of grace, and seeks for the renewing influences of the holy Spirit, hath all the encouragement which fallen sinful creatures should dare to ask; but those who live in the avowed neglect of the gospel have no encouragement at all.*

First, As for the former, he is encouraged from the gospel scheme. He knows that CHRIST hath died to make it possible for such to come to God: He knows that he hath purchased the holy Spirit for that very purpose; he knows that faith comes by hearing, and that God ordinarily bestows his grace by the instrumentality of these means, &c. And is not this a sufficient encouragement to make him attend upon them?

Secondly, As to those who live in the avowed neglect of the gospel, they have no encouragement to hope for grace at all.

First, When they look at the general course of his proceeding, they cannot hope from that. As to the motives and means in the gospel; they withdraw themselves from them. And to hope that God will convert them in an extraor-

dinary and miraculous way, is as absurd as to hope that he will change the course of nature. What if he hath done it in a few instances? so he hath also caused the sun to stand still, but is it to be expected that he will always do so? and especially that he will make thee a signal instance, when thou presuming on that, dost make it a foundation to abuse him?

BUT above all, methinks there can be no idea more detestable to our rational nature, than that propagated by some,—viz. that the most presumptuous heaven-daring sinner, is in as fair a way to meet with God's favour, as he who is seeking for grace as a natural man may seek. Nay,—say some, he is in a fairer way—for, "publicans and harlots should enter the kingdom of heaven, sooner than the self-righteous pharisees."

THOSE publicans and harlots who came to our Lord and sought for his favour, it is true, were in a more likely way to obtain it, than those self-conceited men, the whited sepulchres, who denied him and despised the only Saviour of mankind: But to suppose that publicans and harlots in general, have a fairer prospect than the moral seeker, not only contradicts all our notions of God's working on the heart, by the means and motives of the gospel, which cannot be in the case of him who never attends to them, but it casts a most horrible reflection upon the very nature of God, as if he were inclined most to mercy, where the most abominable guilt is, and therefore the more accursed our crimes, the nearer to heaven. O infernal blasphemy! upon this plan—go on ye profane! laugh at heaven, despise the terrors of God—blaspheme the awful name—exceed hell itself, and cause the dam'd to shudder at superior crimes! the more execrable, the more likely to be exalted. And ye infidels, ye atheists of every name! ye who most disbelieve and most condemn the gospel! ye have the fairest prospects of salvation by it.

It is in vain that you attempt to excuse the blasphemous insinuation, by saying that it gives more glory to the grace of God. Is it giving more glory to his grace to say, that it is readier to alight on a greater transgressor than on a small one? that the more guilty, the more fit objects for his mercy? does this give a lovely idea of the nature of the best of beings? we do not deny that he can, and does make some examples of his grace among the most profligate, to shew the happy extent of his gospel; to shew that Christ is able to save even them. But to argue from hence that it is more agreeable to his nature, than to let his mercy fall upon smaller transgressors, is blasphemous and false; and even to say that he makes as many instances of grace, among the former as among the latter, is

also false. The least vicious have no claim to his favour by that, as it is no virtue or real merit in me, that I am not so bad as the devil. Yet to say that the most vicious are not farther off from God, and of consequence that their salvation is not more improbable, implies blasphemy. And if the gospel, my beloved brethren, gives you any such notion of God; if it renders the salvation of the greatest sinner only as probable as that of the least: O be terrified! the gospel encourages the presumptuous sinner, and you ought not to receive it: Reject then that impious book, that gives so false an idea of infinite perfection, and serves to poison the already poisoned souls of mankind. But rather blast the wretched pen, which would palm on inspiration, doctrines of which this is the plain consequence; and thus, under the guise of friendship, betray the cause, like Judas.

BUT to sum up the whole. If God ordinarily bestows his grace, in the use and by the instrumentality of certain means, and thereby hath rendered our attendance upon those means necessary; if our attendance upon those means, infers no obligation upon God by way of merit, but leaves him still sovereign in his bestowment; If he who strives hath sufficient encouragement, and he who does not hath none; What shall we conclude? what, but that it is reasonable and warrantable to urge home the advice of my text upon sinners? strive to enter the straight gate.

Secondly, A few objections remain to be answered.

First, "The essence of true religion, say some, 'seems to consist, in an entire *willingness* to 'return to God thro' CHRIST. Now it appears 'absurd to suppose that a man can strive to 'make himself willing; for it is to be supposed that we are willing already when we 'strive."

WE answer, common experience may contradict this, for who knows not, that often our rational judgment and our practical judgment contradict each other? "What I would that 'do I not, and what I would not, that do I," could an apostle say. In my depraved estate, I often find myself unwilling to do what my reason dictates. And when I am convinced that the ways of holiness are best in themselves, and lead to life;—when my conscience approves them, and yet I find my heart reluctant; may I not sit down and calmly strive to reason myself into a willingness? are not the people of God, often obliged to do this when they find reluctance within? why then may not the sinner use this means, and many others? and how know you that God will not render them effectual to that end? so that you see, we may be unwilling and yet strive.

HIS. MAG. VII. 14.

II. OBJECTION, "the apostle gave no such 'direction to the trembling jailer, who asked 'what he should do to be saved."

WE find his reply is only, "believe."

THE apostle answered according to the question, which proceeded from pagan ignorance of the *terms* of salvation. And such also should be our answer when a blind heathen is solicitous to know what is required of him, as a suspending term of salvation. But if we are asked what is the most probable way to have this faith implanted—the question is different, and we must answer as in our text.

III. "BUT is not this setting up a new law 'of works?" yes, if we made our doings the procuring cause for which, or the means of our justification: But when we exclude them from having the least share in it, and only admit them as the most probable way to get faith, we are not afraid of this imputation.

IV. BUT it is objected, in the fourth place, that "sinners are already so prone to depend 'upon these attempts, to recommend them to 'God, that it is dangerous to direct them." And if they are prone to turn good into evil, shall we not therefore insist upon their duty? all that can follow from this argument is, that we should be extremely careful to shew them, that no dependence is to be placed upon any thing but CHRIST for justification.

V. "WHO then maketh us to differ? if the 'first step towards this is our own, may we not 'claim a share in the event?" no more than the lifeless impotent tool of the carver, can claim a share in the excellency of a fine performance in carving. If the preacher can claim no share in the conversion of that soul, which without the energy of the divine Spirit, had remained in the chains of sin, sure the hearer must be silent. Supposing I laboured under a dangerous disease, and by the order of my physician, it became necessary that I should wait upon him in a certain place; suppose me, in effect, cured by his prescriptions,—should I not be laugh'd at, if I assum'd to myself any praise of the cure, because I had complied with that order? Hearer apply it.

VI. AS to those objections brought against us by a certain sophistical and splenetick pen, (with which popularity seems to be the greatest crime) drawn from the popularity of this doctrine; they are insufficient and false.

1. INSUFFICIENT, inasmuch as altho' we confess that many of the distinguishing doctrines of the gospel are disgusting to the carnal mind, yet we cannot thence infer, that every doctrine which is not so, is not a Christian doctrine. For many of the doctrines of Christianity are so self-evident and really pleasing to the rational mind, that they do not disgust even the wicked;

And the case hath been known, where even a pagan emperor desired of an august assembly, that the man JESUS should be enrolled among their gods, on account of some of his doctrines. But the objection to our plan is,

2. FALSE. It is far from pleasing the carnal taste. The carnal mind ever hates the divine sovereignty. And we represent the Deity, *first*, sovereign in designing to bestow grace at all; *secondly*, sovereign in his conditions; *thirdly*, sovereign in his choice of the way or manner in which sinners must attend; and at last he is sovereign in bestowing or not bestowing at all, even after we strive to obtain it. And this idea of the divine sovereignty is at least as mortifying to the carnal mind, as that opinion of our opponents, who represent the most base of mankind, as near to heaven as the moral seeker after divine grace. Let none of us therefore my brethren, give into that specious trap,* and suppose that because the promulgator of such pernicious doctrines meets with deserved contempt, they therefore must be genuine Christianity.

OUR discourse concludes, with a few remarks upon the pernicious tendency of the doctrine we oppose; and with a short application to such as our text is addressed to in particular.

1. THE doctrine we oppose, in the first place, tends to give an unlovely idea of the nature of God, as being *equally* inclined to have mercy upon the most abhorr'd, as upon the least so. And here, be not afraid that it can be replied, that we represent the sovereign majesty, as actuated by a view of real merit in the least vicious, which is not in him who is more so. We have already observed, and it is evident to common sense, that my not being so wicked, is no positive claim to peculiar favours. An absence of guilt can only procure an absence of punishment, but not positive blessings.

2. THE contrary doctrine represents all the means which are used with sinners, under the gospel, as useless; and thus all those calls, those motives, those tender arguments, addressed to sinners; arguments in which all the bowels of heaven seem to sound, are to be esteem'd as *useless lumber*. For unless they are to be attended to, of what use are they? if they are necessary and useful, must it not be the duty of sinners to attend to them? and if so, what is the guilt of those who would prevail with sinners to condemn their duty and to omit, alas! what they are too much inclined to omit already!

3. BUT, what is most shocking—they who would discourage the strivings of the unconverted, *only* join with the reluctant wicked

heart,—and join with the enemy of God and man, to encourage a continuance in sin. It is well known, that the carnal heart is *only* to be worked upon by motives of profit and fear, that are present. If therefore their present prospects, as to the favour of God, are wholly the same, whether they serve their abandoned lusts to the utmost, or not; whether they seek for divine mercy in the abstinence from gross sins, or wholly give themselves up to wickedness; then, what single motive have we to restrain them? It is vain to tell them, that they will be more miserable hereafter—*Hereafter* never affects them as the present—They are void of that faith, which is the evidence of things not seen; and unless they have a prospect of some present advantage, they will not abstain. “We can but “be damn’d,” say they, “then let us fill up our “measure, since it is as probable that in this “way we shall meet with favour as in any “other.” This is the conclusion the wicked are apt to draw, in spite of all our endeavours to the contrary; this is the excuse they plead—and methinks there is little need to confirm it. We dare appeal to every wicked heart here present, and it must confess, that it frequently brings our opponent’s doctrine as a plea for its licentiousness; and we now call to witness the effects—the sad and horrible effects, which have followed where ever the fatal doctrine hath been preached. “Only let it be proclaimed “from this desk, that the most vicious are in as “likely a way to obtain divine grace, as he who “is seeking it in a moral life.” And you will directly hear it in the mouth of every impious debauchee, as a justifying argument: The secure sinner makes it a reason for his carelessness, and contempt of every ordinance: The duties of the family and the closet are neglected; and those who have been baptised, lead the life of pagans. Well did you collect your household churches, ye faithful servants of the most-high! well did you warn your sons and daughters to turn a deaf ear to the preacher, and to avoid the fatal rock.*

O! my beloved brethren, it is painful to see the consequences which have followed, and which must follow in places, where the infernal scheme hath been broached. And

IV. WHAT think you can be the design of a man, who takes unwearied pains to propagate it? Can it be to benefit mankind, by preaching the *gospel* in purity? No—his very scheme tends to discourage those who have the greatest necessity for it, from attending upon it. Can it be to mend the morals of mankind? No—for the worst, according to him, in a natural state,

* It is imagined, that that argument, from the unpopularity of the doctrine, has had much influence upon some unguarded tho’ well designing persons

* We have understood, that some worthy persons have found themselves obliged upon hearing such doctrines, to call their families together, and warn them against it.

have as fair a prospect of the mercy of God, as the best. Can it be to recommend the ministry of the gospel? No—all those, who have ever spoken or written before his *important Self*, are in errors—and it would seem, the whole ministry, a needless article. Can it be to recommend the *gospel* itself? No—if it represents the Deity, as by nature more *inclined*, or even equally inclined, to take favourable notice of the more vicious, as of the less so; if it encourages to continue in sin, by affording only as good a prospect to the most profane as to the what better plea, what stronger argument must the deist wish for against Christianity? In short, sirs—The searcher of hearts knows what is the design of a man—but it becomes us to be aware, to be very suspicious of every one, and of every thing that in its own nature tends to overset that *gospel*, on which are founded all our hopes.

LET me conclude by earnestly entreating the secure and careless, that they will not suffer themselves to be deceived, either by the suggestions of a wicked heart, by the enemy of God and man; or even by this—what shall I name it? infernal machination. Ye who are in the broad road to destruction, who are unwilling to struggle in the narrow paths of virtue and life? O reflect—where do those gay and sprightly ways conduct you? Doth not eternal death hold his domain before you? Why, for a few moments' guilty pleasure would you abandon yourself to eternal pains? The gay mob, it is true, is with you; but why should that encourage you? O learn to look upon them only as oxen, who tho' trimmed with garlands, and playing down an easy passage, are devoted to slaughter.

THE Saviour of mankind, hath opened a safe retreat from death. The Saviour of mankind, out of disinterested compassion, invites you to *strive to enter the straight gate*. Your souls, your eternity join in the important demand; and all that should influence a rational being, urges home the proposal. In this it is true, you will be opposed by the world, with all its scorn and malice, the flesh with all its corrupt inclinations, and by the devil, with every art, his long practised cunning can invent; and therefore, *striving, struggling, nay agonizing*, will be necessary. That careless, indolent life will never do. But remember, a whole immortality—the love of Jehovah himself is the prize.

AND let it not discourage you, that GOD, and GOD alone, must be the great efficient. Were it to be performed by a man, or even by an angel, you would have some room for discouragement; but infinite benevolence, the eternal fountain of goodness and grace, is he to whom your suit is directed.

LET me therefore conclude with the apostle's exhortation to this purpose. (Who by the by, uses our opponent's arguments, to a direct contrary purpose to their's) "Work out your salvation with fear and trembling;" for why? "knowing that it is he who worketh in us to "will and to do," and that it is of his own "good pleasure." AMEN!

II.—THE NORTH-EASTERN BOUNDARY OF NEW JERSEY.—CONTINUED.

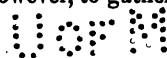
IV.—A REVIEW OF THE QUESTION.

By HENRY B. DAWSON.

The question which has been so ably discussed in the columns of *The Gazette*, by the learned Attorney-general of the State of New York and by the two distinguished historians, Messrs. BRODHEAD and WHITEHEAD, who followed him, is one which possesses great historical importance; indeed, no other subject than such an one could have arrested the attention and employed the pens of such a trio of disputants.

The question was thus stated, originally, by General Cochrane: "THE WATERS BETWEEN 'STATEN ISLAND AND NEW JERSEY, THE 'KILL 'VAN COLL,' 'THE SOUND,' AND 'RARITAN- 'BAY,' OR BY WHATEVER OTHER BAPTISMAL 'NAMES THEY OR THEIR PARTS MAY HAVE BEEN, 'OR ARE NOW, DESIGNATED, TOGETHER WITH 'ALL THE WATERS WHICH LAKE STATEN IS- 'LAND SHORES, WERE, FROM THE PERIOD OF 'THEIR DISCOVERY, KNOWN AND ACCEPTED, AND 'SHOULD PROPERLY NOW BE CONSIDERED, THE 'WATERS OF HUDSON'S-RIVER;" and the affirmative arguments of the learned proponent were sustained by remarks and a letter from Mr. Brodhead; while all these were subsequently controverted, in an elaborate *Review*, by Mr. Whitehead. It is the purpose of this paper to notice the arguments and evidence which have been adduced by each of the gentlemen referred to; and, as far as may be possible, from those arguments and that evidence and from authorities which none of those who have gone before have employed, it is hoped that some further light may be thrown on a subject which has merited and received the notice of many of the leading minds of our country, at different periods of her history.

It is not pretended, even by the learned proponent, that the question under discussion possesses any other than a *historical* significance, unless it shall be incidentally; and it is not proposed, by this paper—as it was not by him—to disturb the peaceful relations of the two States, on this subject, as they were settled by the inter-State Treaty of 1834. It is not considered improper, however, to gather wisdom from any



of the lessons of the Past; and the dignity of History may not be improperly asserted and maintained, and her importance in the disposition of great questions of State may find a satisfactory illustration, it is hoped, even in so informal a discussion as this.

It will be seen from the argument and authorities of General Cochrane, that he maintained that "the Bay" is the proper term for what is now generally known as "the lower Bay;" that the Hudson-river, after receiving the waters of the East-river and forming "the harbor," discharges its waters through two mouths, which are separated by Staten Island, into "the Bay;" and that, in consequence, the local names of "Kill van Coll," "the Kills," "The Sound," "Raritan-bay," etc., which have been applied to the westernmost of these mouths, possess no primary significance in the relations between the two States.

The effect of this argument, if it shall be sustained by the evidence, will be to guarantee to the State of New York, historically, her ancient possession of Staten Island; to deny the historical propriety of the cession of a portion of the waters of New York to New Jersey, which was effected by the Treaty of 1834; and to define, more distinctly, the character of other portions of those waters, not included in the Articles of the Treaty referred to, as well as the respective rights of each of the States of New York and New Jersey, therein, and in every part thereof.

Mr. Brodhead, in his remarks before the New York Historical Society and in his letter to Mr. Whitehead, has sustained the proposition of General Cochrane, both by authorities and by argument; and the weight of his concurrence in General Cochrane's views adds materially to the importance of this discussion.

Mr. Whitehead, on the contrary, denies both the premises of General Cochrane and his conclusions. He admits that "the earliest geographers, on their earliest maps, leave it" [*the lower Bay*] "unnamed, as being simply an arm or portion of the Atlantic Ocean;" but he denies that it is proper to consider it as "the Bay" or "the great Bay" of history: he denies, also, that the waters which separate Staten Island from the main land of New Jersey either have been or can be considered, properly, as one of the channels of the Hudson-river; and that the local names of the waters last referred to, such as "Kill van Coll," "The Kills," "The Sound," and "Raritan-bay," have no more than a local and limited significance. He contends, on the contrary, that the waters which separate Staten Island from the main-land are the waters of the Raritan, and Passaic, and Hackensack-rivers, and that they have no relation to the

Hudson; that the waters of the latter are discharged into "the Bay" or harbor of New York; and that the only outlet to the ocean, of the waters of "the Bay"—into which the Hudson, the East, the Passaic, and the Hackensack-rivers are supposed to flow—is the strait which is known to us as "the Narrows."

The effect of this argument, if it shall be sustained by the evidence, will be to confine the mouth of the Hudson, historically, to a line extending from the Battery, in the city of New York, to the Jersey shore, probably at Powles'-Hook; to consider the harbor of New York as "the Bay" of History, with its outlet at "the Narrows," so-called; to transfer Staten Island, historically, to New Jersey; to establish, historically, the claim of New Jersey to the entire waters of "the Kill van Coll," "the Sound," and "Raritan Bay;" and to deny the historical propriety of what may then be considered a surrender by that State to New York, in the Treaty of 1834, of Staten Island and of the easternmost one-half of the waters which separate that island from the main-land of New Jersey.

There are several other subjects of little relative importance, which have been introduced by the parties who have principally participated in this discussion; but they are not of sufficient weight to withdraw, from the main questions, the careful attention of the reader—indeed they tend rather to confuse than assist the intelligent student, in his laborious search for the truth of the matter. These, therefore, will remain either unnoticed in this paper, or, if any attention shall be paid to them, they will be alluded to, in passing, in the course of the discussion of other and graver subjects.

It will have been seen, also, that both the leading parties in this discussion appear to rely greatly on the terms of the Grant by the King to the Duke of York, dated March 12, 1664; on those of the Lease by the Duke to Lord John Berkeley and Sir George Carteret, dated June 23, 1664; and on those of the Release to Berkeley and Carteret, which was executed by the Duke, on the twenty-fourth of June, of the same year.

It cannot be denied that these several instruments are interesting as well as useful; but it is not so clear that they possess any other importance in this discussion than that which attaches to them, as illustrative of the meaning of those which are greatly more important. They will be regarded in this paper, therefore, rather in the useful but less important character of merely illustrative documents; while the more authoritative testimony of other instruments will be appealed to, for the foundation of the remarks which shall now be offered on the subject.

The reason for this rejection of the Charter of March 12, 1664, and of the Duke's Lease and Release of June 23 and 24, of the same year, as leading authorities in this discussion, may be very briefly stated. They are these:

FIRST: There are very grave doubts of the validity, under the established and recognized law of England, of that Grant which assumed to convey an estate which was not only claimed by a foreign power with which England was then at peace, but one which was actually in the undisturbed possession of that friendly power, at the date of the Grant, and for many months after the execution and delivery of that instrument to the Duke of York.

SECOND: Whatever legal rights the Duke or his Grantees, Berkeley and Carteret, may have secured in the territories or waters in question, by virtue of the King's Grant of March 12, 1664, and the Duke's Lease and Release of June 23 and 24, of the same year, they were wholly annihilated by the re-conquest and subsequent occupation of that territory and those waters, by the Dutch, under Commanders Binckes and Evertsen, in 1673; and any rights which either the Duke of York, or Lord John Berkeley, or Sir George Carteret possessed therein, after the restoration of the same to the English, and the actual occupation thereof, by the latter, under Major Edmund Andros, were derived, SOLELY, from the Royal Charter to the Duke, dated June 29, 1674, and from the Duke's Lease and Release to Sir George Carteret, in severalty, dated July 28 and 29, 1674, and from no other source whatever.

For these reasons, among others, the so-called Charter, and Lease, and Release, of 1664 are not considered valid, for the determination of contested rights which have wholly accrued since the days of the dates of the Charter, and Lease, and Release, of 1674; although the former may, properly, be employed to illustrate the meaning of specific terms employed in the latter, whenever they will admit of any such illustration.

The preliminary questions which have arisen in this discussion having been thus disposed of, the subject which was proposed by General Cochrane, in its most simple form, presents itself for our consideration—to the territory of which State, New York or New Jersey, do the waters which separate Staten Island from the main, historically belong?

It is matter of History, and, therefore, needs no proof, that the waters in question as well as the adjacent shores of Staten Island and New Jersey were portions of the territory of the Colony of New Netherland, which was seized, in 1664, by the English under Colonel Nicolls; that, with that Colony, they were recaptured,

agreeably to the Law of Nations, in 1673, by the Dutch under Commanders Binckes and Evertsen; that, in the following year, agreeably to the terms of the Treaty of Westminster, they were restored to the King of Great Britain from whom they had been captured; and that the latter was thereby vested with all the rights of Proprietary as well as of Sovereignty, over every part and parcel of them.

It is matter of History, also, that, on the twenty-ninth of June, 1674, "for divers good Causes and Considerations, of his special Grace, certain Knowledge, and meer Motion," the King of Great Britain, in whom the title was then vested, granted divers lands and waters, among which were those in question, to his brother, James, Duke of York and Albany:—(*Letters Patents to the Duke of York*; Recorded November 4, 1674,—*Grants, Concessions, and Original Constitutions of the Province of New Jersey*, by A. Leaming and J. Spicer, 41-45;)—that, on the twenty-eighth of July, 1674, for a valid consideration, the Duke of York, in whom the title was then legally vested, leased to Sir George Carteret a certain "Tract of Land," being a portion of those which had been granted to him, by the King, in the preceding month, conditioned for the payment of a certain specified rental; (*Recital of the Duke's Release*, July 29, 1674—*Leaming and Spicer*, 48;)—that, by virtue of that Lease, Sir George Carteret took immediate and "actual Possession of the said Tract of Land and Premises" referred to therein,—(*Release by the Duke*, July 29, 1674;)—that, on the following day, (July 29, 1674,) the Duke executed, agreeably to the Statute, a Release to Sir George Carteret, of the "Tract of Land" referred to in the Lease to which reference has been made,—(*Release by the Duke of York*, July 29th, 1674.—*Leaming and Spicer*, 46-48;)—commissioned a "Governor and Councilors," for the administration of a Government therein,—(*Commission from Sir George Carteret, to Philip Carteret, etc.*, July 31, 1674—*Leaming and Spicer*, 58-60;)—and issued certain "Directions, Instructions, and Orders" * * to be "observed by the Governor, and Council, and Inhabitants of the said Province;"—(*Directions, etc.*, July 31, 1674—*Leaming and Spicer*, 50-57;) and that there remained to the Duke all others of the Lands and Waters, and, without any diminution whatever, every other Right and Property which had been conveyed to him by the King, in the Letters Patents, to which reference has been made.

It will be seen, also, by reference to the Letters Patents of the King to the Duke, that separate from, and in addition to, the conveyance to the latter of the "Lands, Islands, Soils, Rivers, Harbours, Mines, Minerals, Quarries,"

"Woods, Marshes, Waters, Lakes, Fishings, Hawking, Hunting and Fowling; and all other Royalty's, Profits, Commodities and Hereditaments to the said several Islands, Lands and Premises belonging and appertaining," which were contained therein, the King "further" gave and granted unto the Duke of York, "full and absolute Power and Authority to correct, punish, pardon, govern and rule all such the Subjects of us, our Heirs and Successors, or any other Person or Persons, as shall from time to time adventure themselves into any of the Parts or Places aforesaid, or that shall or do at any time hereafter inhabit within the same, according to such Laws, Orders, Ordinances, Directions and Instructions as by our said dearest Brother, or his Assigns, shall be established," etc.—in short, that the Duke was vested with sub-royal authority therein, subject only to the provisions of the Laws of Great Britain and to the right of Appeal to the King;—(*Letters Patents to the Duke*, June 29th, 1674—*Leaming and Spicer*, 41-43;)—no portion of which prerogatives, affecting the Realities of the territory, was conveyed or delegated by him to Sir George Carteret, in the Lease and Release of "the said Tract of Land and Premises" to which reference has been made, nor in any other Instrument of Conveyance or Delegation, either at that time or at any subsequent period.—(Compare the *Release to Sir George Carteret*, dated July 29th, 1674, with the *Letters Patents to the Duke of York*, June 29th, 1674.)

By reference to the Lease and Release by the Duke of York to Sir George Carteret, which is the original source of the title of the latter and of his representatives, in and to the "Tract of Land and Premises" which were known, subsequently, as East-Jersey, and to its Appurtenances, it will be seen that the Duke Released and Conveyed "unto the said Sir George Carteret, his Heirs and Assigns for ever, all that Tract of Land adjacent to New-England, and lying and being to the Westward of Long-Island and Manhitas Island, and bounded on the East part by the main Sea, and part by Hudson's-River, and extends Southward * * * * which said Tract of Land is hereafter to be called by the name or Names of *New-Caserea* or *New-Jersey*: And also all Rivers, Mines, Mineralls, Woods, Fishings, Hawking, Hunting, and Fowling, and all Royalties, Profits, Commodities, and Hereditaments whatsoever, to the said Lands and Premises belonging or appertaining with their and every of their Appurtenances, in as full and ample manner as the same is granted unto the said James Duke of York by the before recited Letters Patents; and all the

"Estate, Right, Title, Interest, Benefit, Advantage, Claim and Demand of the said James Duke of York, of in and to the said Lands and Premises, or any Part or Parcel thereof, and the Reversion and Reversions, Remainder and Remainders thereof;" and nothing more.—(*Release to Sir George Carteret*, July 29th, 1674.) None of the "Islands," nor "Soils," nor "Harbours," nor "Waters," nor "Marshes," which had been conveyed to the Duke, in the King's Letters Patents, were thus conveyed by the former to Sir George Carteret; nor were any of the "Rivers," nor "Fishings," etc., thus conveyed, except those "to the said Lands and Premises" [*described in the Release*] "belonging or appertaining."—(Compare the *King's Letters Patents* with the *Duke's Release*.)

The "Tract of Land and Premises" which were thus conveyed to Sir George Carteret, therefore, and the "Rivers belonging or appertaining thereto," were and are, historically, all that then formed, or now form, the Province or State of East-Jersey; and whatever tracts of land and whatever rivers "belonging or appertaining thereto," which were not thus Released, and all the Islands, Soils, Harbours, Waters, and Marshes which were between Connecticut-river, on the East, and Delaware-river, on the West,—whether within or without the limits of East-Jersey—"together with the River called Hudson's-river" and the several prerogatives of sovereignty which had been separately and specifically conveyed to the Duke, by the King—(*Letters Patents*, June 29th, 1674)—remained with the Duke, entirely unimpaired.

Whether or not the waters which separate Staten Island from the main were then considered, or are now to be considered, historically, waters of Hudson's-river—which was the only question proposed by General Cochrane—may be ascertained from the terms of the Duke's Release to Sir George Carteret, as illustrated by the standard geographical authorities of the day and by the subsequent action of both the Grantor and Grantee, in the premises; while, from the terms of the same Release, compared with those of the Letters Patents and the subsequent action of both the Grantor and Grantee, in the premises, may be most accurately ascertained, SECONDLY, whether, in whatever character those waters were then considered, they were really conveyed or intended to be conveyed, by the Duke to Sir George Carteret, and thenceforth became part and parcel of East Jersey,—a question which seems to have received the earnest attention of both General Cochrane and Mr. Whitehead—and, THIRDLY, whether those waters and the adjacent Islands and Marshes, on either side of the stream, in whatever character those waters were then con-

sidered, or may now be considered, were retained by the Duke of York, as part of his Colonial possessions, and are still to be considered, historically, waters and lands of the State of New York.

It has been seen that the title to the waters in question, as well as that to the adjacent shores, was vested in the Duke of York, by the King's Letters Patents, on the twenty-ninth of June, 1674; and that on the twenty-ninth of July, in the same year, the former conveyed to Sir George Carteret, by Release, certain specified portions of the estate which had been granted to him by the King, retaining to himself, with title unimpaired, all those waters and all those lands, thus granted to him, which he did not then specifically convey to Sir George Carteret, by the Release referred to.

It has been seen, also, that among the waters thus retained by the Duke, without encumbrance of any kind, were those of Hudson's-river; and the first question which presents itself is, were the waters in question, on the twenty-ninth of July, 1674, treated in the Release by the Duke of York to Sir George Carteret, and should they now be treated, historically, as waters of Hudson's-river?

It will be seen by the terms of the Duke's Release, that none of the "Islands" which he had received from the King, a month before, were conveyed by him to Sir George Carteret—(Compare the Duke's Release with the King's Letters Patents,)—and, consequently, that Staten Island, both in law and in fact, remained a portion of the Duke's Colony of New-York; and that the boundary between the two Provinces of New York and New Jersey was then drawn to the westward of that Island, where "the Kills" and "the Sound" are, rather than to the eastward of it, where "the Narrows" are, as some have supposed and maintained.

It will be seen, also, that the Duke's Release described "the Tract of Land and Premises" conveyed to Sir George Carteret, as "bounded "on the East part by the main Sea, and Part by "Hudson's River;"—(*Release to Sir George Carteret*, July 29, 1674—*Leaming & Spicer*, 47;)—that no intervening waters or lands, between "the main Sea" and "Hudson's River," were named or referred to; and that, consequently, either "the main Sea" or "Hudson's River," or portions of each, were then considered, both by the Grantor and Grantee, as flowing between Staten Island, WHICH THE DUKE RETAINED, and "the Tract of Land and Premises," "to "be called by the Name or Names of *New-Casere* or *New-Jersey*," WHICH HE CONVEYED to Sir George Carteret.

It is proper, in this place, to notice the fact that Mr. Whitelead, following the example of

many honored predecessors, has insisted that the waters which separate Staten Island from the main, are, in fact, the waters of the Hackensack, Passaic, and Raritan-rivers, rather than those of the Hudson; that not a drop of the waters of the latter passes to the westward of Staten Island, to the sea; and that, in consequence, the waters in question have not been, nor are they now, *in fact*, waters of Hudson's-river.—(*Review*, Number IV., *ante*.)

It is not the purpose of this paper to dispute these statements: it is rather its province to admit what is *true* and to resist that which is *false*; but the question is not as to the *physical* facts concerning those waters, but, solely, the *historical* character which belongs to them.

In 1769, when the Commissioners of New York for determining the Northern line of New Jersey insisted on a line which, if extended, would have run from the head of Connecticut-river to the head of Delaware Bay, the Commissioners of New Jersey, (Messrs. Stevens, Parker, and Rutherford,) submitted, in opposition to the proposed line, that "Whatever may "be the strict Rule of Law in the Construction "of Deeds and Grants, in Cases where it may "well be presumed both the Grantor and "Grantee have all the means of being well acquainted with the Premises to be granted, "yet in the present Case where the whole Country was at the Time of the Grant of King "Charles the Second to the Duke in the possession of the Dutch, and the interior Part "of it, then but little known to the King "or his Subjects; *it is humbly conceived that "however uncertain or undeterminate the express "Words of such Grant AS TO IT'S EXTENT may "be, THE PRINCIPLES OF JUSTICE REQUIRE, THAT "THE INTENT AND MEANING OF THE PARTIES "SHOULD BE THE GOVERNING RULE OF CONSTRUCTION.* In the Grants of many of the "Colonies on the Continent," they add, "there "will be found either an uncertainty, or an interfering with respect to their Bounds and extent, and yet they have always been adjusted "upon the Principle of the INTENTION OF THE "GRANTS."—(*MS. Brief of the Claims of the Province of New Jersey*, September 28, 1769—pages 45, 46—*N. J. Boundary Papers*, ii. New York Historical Society.)—They also cited, in support of that very just view, the precedent of "the Proprietors of the Patents of Minisink "and Wawayanda," [who] "upon a late Occasion insisted that considering the Antiquity of "the Grant to the Duke of York, it ought "reasonably to be supposed that *its true Boundaries were better understood AT OR SHORTLY AFTER THE TIME OF ITS DATE THAN AT THIS DAY.*"—(*Ibid*, page 53.) See, also, pages 38, 39, of the same *MS. Brief*, for further illustrations of

the views of the Commissioners from New Jersey, on this subject.

This view of the principles which, in 1769, "should be the governing Rule of Construction" of the terms of the Grant to Sir George Carteret, is equally true in 1865; and the New Jersey theory, at the former date, for the determination of her *Northern* line, cannot be reasonably disregarded by her advocates, to-day, while discussing the question of her *Eastern* line,—whether the waters of Hudson's-river really pass to the westward or to the eastward of Staten Island, or on neither of its shores, is, therefore, entirely immaterial in this discussion; and What did the parties to the Release understand was the case, when that instrument was executed? and What were their "Intent and meaning," while conveying and receiving that "Tract of Land and Premises," "which is hereafter to be called by the Name or Names of New-Cæsarea or New-Jersey?" are the only questions to be now determined.

That there was no intervening boundary between New York and New Jersey, between the mouth of "Hudson's River" and "the main Sea," according to the "Intent and meaning of the Parties" to the Release, is evident, from the entire absence of any allusion to any other line of boundary, on the Eastern border of New Jersey, than "the main Sea" and "Hudson's River," as was before stated, as may be conclusively ascertained by a reference to the Release by the Duke to Sir George Carteret: the exact spot where "the main Sea" was joined by the waters of "Hudson's River," in the Intent of the parties to that Release, will be seen hereafter.

This fact is evident, also, in the current opinions of the day, as expressed by standard Geographers of that period; and from the same authoritative evidence, what was THEN understood by the term "*Hudson's River*," may, also, be accurately ascertained.

Three years before the execution of the Release in question, (1671) John Ogilby, at that time the Royal Cosmographer, had published in London, under the patronage of the King, a splendid folio volume, descriptive of America, which was doubtless the standard authority at the time of the conveyance of "The Tract of Land and Premises" to Sir George Carteret. Speaking of the rivers of "New Netherland," now call'd New York," this official Cosmographer thus alluded to the Hudson: "The *Manhattans*, or *Great River*, being the chiefest, having with two wide Mouths wash'd the mighty Island *Watowaks*, falls into the Ocean. The Southern Mouth is call'd *Port May*, or *Godyns Bay*. In the middle thereof lies an Island call'd *The States Island*; and a

"little higher the *Manhattans*, so call'd from the Natives, which on the East side of the River dwell on the Main Continent;"—(*America: Collections from the most Authentic Authors*, by John Ogilby, Ed. London, 1671, page 170.)

The description of Hudson's-river, with its "two wide mouths," the Southernmost of which he termed "*Port May* or *Godyns Bay*"—names used by Mr. Whitehead to prove that the waters were not the waters of Hudson's-river—and with "an Island call'd *The States Island*" [Staten Island] "IN THE MIDDLE THEREOF," was illustrated by this *protege* of the King, with an elegant map, in which his theory of the character of the waters in question was plainly set forth; and, in that map, the mouth of "The Great River" was brought to the line between *Coney Island* and *Sandy Hook*—the latter of which was thus made the point of junction of those parts of New Jersey which were "Bound-ed on the East part by the main Sea," with those parts of the same Province which were bounded "by Hudson's River."

The value of this authority, for the determination of questions concerning "the Intent and meaning of the Parties" to this identical Grant to Carteret, may be ascertained from the fact that, in 1759, when Messrs. Stevens, Parker, and Rutherford, as Commissioners from New Jersey, were engaged in the settlement of the Northern Boundary of that Province, they introduced both the Map and the Narrative of Mr. Ogilby to which reference has been made, as their principal evidence of the "understanding" of the Parties to this Release, concerning the Delaware-river, and of the "meaning" of the term, employed therein, "Delaware Bay."—(*MS. Brief of the Claims of New Jersey*, 39, 40.)

It is a noteworthy fact, also, that, both on the second and the fifteenth days of September, 1769, the three Commissioners of New Jersey, to whom reference has been made, (Messrs. Stevens, Rutherford, and Parker,) appeared before the Commissioners for determining the northern boundary-line of New Jersey, at the Long Room in the Merchants' Exchange, in the city of New York, with a copy of Mr. Ogilby's volume, which they introduced as their principal evidence on matters connected with that portion of the Boundary between the two Provinces;—(*MS. Minutes of the Commissioners*, 711, 729—New Jersey Boundary Papers, iii, New York Historical Society)—it is not considered necessary, therefore, in 1865, in a renewed examination of the same Release by the Duke of York to Sir George Carteret, for the purpose of ascertaining the boundary of the same "Tract of Land and Premises," on its eastern front, to strengthen the character of

him, who, at the time, was relied on as the chief supporter of the claims of New Jersey, concerning her *northern* front, on the great principles which must control all others; nor is it considered necessary, in this place, to do more than recognize the peculiar manner in which Mr. Whitehead has treated General Cochrane's reference to Mr. Ogilby's statement, and to express our disapproval of what seems to be its entire unfairness, in such a discussion as this.

It will be remembered, however, that Mr. Ogilby stated, in his title-page, that his materials had been "Collected from the most "Authentick Authorities" who had preceded him; and, without conceding the necessity of strengthening his testimony, for the purpose of this examination, the character of the current opinions of the best-informed men of that period, on the subject of the waters on the western borders of Staten Island, may be learned from the writings of those most "Authentick "Authorities;" and the effect of those current opinions, on the minds of both the Grantor and Grantee of New Jersey and on the terms of the *Release* itself, may be, therefrom, most certainly ascertained.

In the year 1671, Jacob Meurs, a bookseller, published in the city of Amsterdam, in Holland, a folio volume entitled *De Nieuwe en Onbekende Weereld, of Beschryving van America en t' Zuid-land*: by Arnoldus Montanus; in which a minute description of America was printed in the Dutch language. A chapter of that volume was devoted to a description of Nieuw-Nederland; and the description of the waters in question is in these words: "Onder de stroomen is "de *Manhattans* of *Grote rievier* verre de voor-naemste: als welke met twee wijde monden, "bespoelende 't magtig eiland *Matouwacs*, in d' "Oceaan uitwaterd. De zuidelijke mond word "genaemt *Port May* of *Godijns Bay*: midden-weegs leid 't *Staeten-eiland*, en weinig hooger 't "Manhattans, alsoo genoemt na het volk, "welk aen d' oostzijde der stroom 't vaste land "bewoond."—(p. 123.) [Among the streams, the *Manhattan* or *Great-river* is by far the chiefest, as with two wide mouths, washing the mighty island *Matouwacs*, it empties into the *Ocean*. The southern mouth is named *Port-May* or *Godyn's Bay*: midway lies the *Staten-island*, and little higher the *Manhattans*, also named after the people, who, on the east side of the stream, inhabit the main-land.]

This work, which contains the well-settled opinion, on this subject, of the Dutch, who had settled the Province and held it for many years, is also illustrated with a carefully-prepared map, exactly similar, in every respect, to that employed by Mr. Ogilby, in his volume on America, already referred to; and there is little

room to doubt that, while it was the standard work on this subject, in Holland, it also furnished the "Authentick" original from which the latter gentleman evidently collected a portion of his information, while he was compiling his volume.

Again: on the thirteenth of April, 1670, while the country had been in the possession of the Duke, before its capture by the Dutch, under Binckes and Evertsen, Governor Lovelace had purchased, in behalf of his royal master, the island known as Staten Island; and it is a reasonable conclusion that the description of that property, as expressed in the Deed of Conveyance to the Duke, was expressive of the current opinion of the day, on that subject.

Fortunately for the purposes of this investigation, the original Manuscript Conveyance of the property referred to has been preserved in the Library of the New York Historical Society; and the following, carefully copied from that original, will not fail to throw some light on this interesting subject. It was thus described in the Deed referred to:

"All that Island LYING & BEING IN HUDSONS "RYVER Comonly called Staten Island, & by "the Indians *Aqueshonga Manacknong*, having "on ye South ye Bay & Sandy point, on ye "North ye Ryver & ye City of New York on "Manhatans Island, on ye East Long Island, " & on ye west ye Main land of After Coll, or "New Jersey."

Again: Doctor Peter Heylyn, whose ardent friendship for the Stuarts, in their adversity, was rewarded by the King, on his restoration to the throne, by the appointment of Prebendary of Westminster, published, in the year 1657, a fine folio volume, entitled "*Cosmographe in four books*;" and, in 1669, a fourth edition of that work was issued with the Author's last revisions and corrections, and illustrated with large maps, under the especial patronage of the King, to whom it was dedicated.

On page 96, Liber IV., of the last-mentioned edition of that work, under the head of "*Novum Belgium, or Nieuw Nederlant*," the author said, "Rivers of note they have not many. "That want is supplied by many large and capacious Bays, all along the Coast. The principal of those that be, 1. *Munhattes*, by some "called *Nasovius*, but by the Dutch commonly "*Noordt Rivier*, which falleth into the Sea at "*May-port*," [the "*Port-May* or *Godyn's Bay*" of Ogilby and Montanus,] "so called by *Cornelius May*, the Master of a ship of *Holland*, at "their first Plantation:"—information which will receive fresh importance when the peculiar relations which then existed between the author, and the King, and the Duke of York, shall be remembered.

It will thus be seen that, in 1674, when the Duke of York conveyed to Sir George Carteret, the leading Cosmographers of the time, both English and Dutch, concurred in the opinion that the Hudson discharged its waters through two mouths, the Narrows and the Kills; that these mouths were separated by Staten Island; and, consequently, that the waters which separated Staten Island from the main were then considered only as waters of Hudson's-river.

It will be seen, also, that this opinion prevailed, and was fully and clearly expressed, in the formal Deed of Conveyance which was accepted by the Duke's Governor in America and by the Duke himself, when Staten Island was purchased by him, with the description, "all that Island *lying & being in Hudsons Ryver*;" and bounded on "*ye South*" [by] "*YE BAY & Sandy point, on ye North*" [by] "*YE RYVER & ye City of New York on Manhatans Island, on ye East*" [by the River "*IN*" which it was and] "*Long Island, & on ye West*" [by the River "*IN*" which it was and] "*ye Main land of After Coll, or New Jersey,*" and nothing more appears to be necessary, *in the absence of any opposing evidence*, to establish the generally-received opinions of the day, both in Holland and in England, concerning the character of the waters in question, when the Duke of York conveyed to Sir George Carteret, the territory which was subsequently known as East Jersey;—that they constituted the southernmost mouth of the Hudson; that, *as such*, they flowed through what was then known by the several names of the "*Bay*," "*Port-May*," and "*Godyn's Bay*," into the ocean at Sandy-hook; and, consequently, that what we know by the term, "*the Bay*," or harbor of New York, as well as that which is known to us as "*the lower Bay*," were and still are, *historically*, only expansions of the waters of the Hudson.

Nor was that generally-received opinion, in 1674, in accordance with which the Duke Released, and Sir George Carteret accepted, "*the Tract of Land and Premises*" which was subsequently known as East Jersey, inconsistent with other and earlier authorities, both English and Dutch: indeed, Mr. Whitehead admits,—(*Number IV, ante*),—that, on one of these points, at least—the name which was then given to "*the lower Bay*"—General Cochrane was entirely correct.

This is evident from the following, selected from "*a cloud of witnesses*," to whom reference might be made:

I.—On the twenty-ninth of September, 1673, notice was sent from New Amsterdam to the Neversink, by Governor Colve, with an order for its publication, that, on the arrival of any ships from sea, he should be notified at the

earliest possible moment.—(*Minutes of the Council, September 29, 1673—Col. Doc. ii. 610.*)

On the twenty-third of the following April, information was received "that a ship or ships have come to anchor within SANDY HOOK of THE NORTH RIVER OF NEW NETHERLAND, Capt. Cornelius Ewoutsen is therefore hereby ordered and commanded instantly, with the Snow, in his command, to sail to the aforesaid Sandy Hook, to learn what ships they be," etc.—(*Minutes of the Council, April 23, 1674—Colonial Documents, ii., 707.*)

The fact that Sandy Hook was then considered a portion of the territory bordering on "the North River," is not without significance, for the purposes of this discussion.

II.—In the correspondence of Samuel Maverick, one of the Royal Commissioners to New England, and better informed than most others, on the details of the Colonial affairs of that period, the following appears:

FIRST: Writing, from New York, to John Winthrop, Jr., on the twenty-fourth of February, 1669, Mr. Maverick referred to a letter which had been received from Colonel Nicolls, then in London, in which the latter had said, concerning some action relative to the boundaries between New York and New Jersey, "Staten Island is adjudged to belong to N: York. The L. Barkley is vnder a cloud, and out of all his offices, and offers to surrender vp the Patent for N. Jarsey. Sir G: Carterett, his partner, is in Ireland, but it is thought he will likewise surrender, and then N. Yorke will be enlarged."—(*The Winthrop Papers—Massachusetts Historical Society's Collections, IV, vii., 315*)—The "judgment," in 1668, that Staten Island "belonged to N: York," necessarily carried with it the judgment that the boundary between the two Provinces was to the westward of Staten Island; and, consequently, that either "the main Sea" or "Hudson's River," which formed the only lines of limitation to the territory of New Jersey, on the East, flowed between the Island and the main:—to which of these two classes, those waters were then supposed to belong, has been already seen.

SECOND: A few weeks later, Mr. Maverick wrote to the Rev. Sampson Bond, at Bermudas, and informally invited him to remove to New York. At the same time, he informed Mr. Bond that the Governor had said, "if your selfe and company came, he would order yow a proportion of land (accordinge to the families you should bringe) on an Iland called States Iland, about 3 or 4 leagues from this cittie, the most commodiousest seate and richest land I haue seene in America. It is probable (if his multiplicitie of business will permitt it) he will lett you know it by his owne penn. I

"haue it from his owne mouth."—(*Winthrop Papers, Massachusetts Historical Society's Collections*, IV., vii., 317.)

In view of the fact that Mr. Bond was a personal friend, both of the Royal Commissioner and of the Governor of New York, there is very little probability that a tract of land would have been offered to him, which was not, *indisputably*, within the Colony of New York; and the student may learn from this fact what, at least, was the current opinion, on this subject, in the best-informed circles in New York, in 1668-9.

III. On the twenty-third of January, 1657, Jacques Corteljou, Surveyor-general of New Netherland, petitioned the Governor and Council, in behalf of the heirs of Cornelis van Werckhoven, for leave to found and erect a village on Long Island, "AT THE BAY OF THE NORTH RIVER;"—(*MS. Council Minutes*, viii., 424;) and a Patent for the territory which was then occupied was subsequently granted by the Colonial authorities. The following description of the premises is taken from that Patent: "130 morgens of valley, situated on Long-island, at the East hook of THE BAY OF THE NORTH RIVER, opposite Coney-island, bounding with the west end on the land of Anthony Jansen from Salee, northeast on the Kil where Gravesend mill stands, southeast and south abutting on said Kil, southwest on the BAY OF THE NORTH RIVER."—(*MS. Records, Liber HH., Part II., Patents*, Folio 99.)

On the fifteenth of August, 1668, Governor Nicolls issued a new Patent for this settlement, in which the territory was then described: "Beginning from Nayack-Point," [known to us as "Fort Hamilton,"] "stretching alongst the Bay to the land belonging to francis Bruyne, and from thence run into the woods along the said Francis Bruyne's land to the land here tofore belonging to Robert Pennoyer, neare upon a N. E. line 1200 Dutch Rods from which goe againe in a direct line to the North River, runing 300 rods to the North of the whole Hooke or Neck of land; and then againe alongst the North River to Nayack-Point."—(*The Charter*, quoted in THOMPSON'S *Long Island*, ii, 191.)

As "Nayack-Point" was the name given, at that time, to what we now know as "Fort Hamilton,"—(*Nicolls's Map of New York*, in VAL-ENTINE'S *Manual for 1863*,)—it will be seen that what we now know as "The Bay," or harbor of New York, was then called "the North River;" while the waters which were to the East of "Nayack-Point," now called "the lower Bay," were then called "The Bay."

On the thirteenth of May, 1686, Governor Dongan issued a third Patent, in which the bounds of the town were thus described: "Be-

ginning at the North-East corner of land appurtaining to Mr. Paulus Vanderbeeck called "ed Goanus" [Gowanus] "to the Bounds of Flatbush Patent, and soe along the said bounds of the said Patent, and stretching from thence South-East and by South till they meete the Limitts of Flatlands, Gravesend, and the said Utrecht, and from thence along Gravesend Bounds to the Bay of the North River, and soe along the said Bay and River till it meete the Land of the said Paulus Vanderbeeck," etc.—(*Dongan's Charter*, as quoted in THOMPSON'S *Long Island*, ii., 191, 192.)

It will be seen from this instrument, that, as late as 1686, while Governor Dongan was at the head of the Government, the waters below Gowanus were called "THE NORTH RIVER;" while westward from the line of Gravesend, our, so-called, "Lower Bay" was called "THE BAY OF THE NORTH RIVER."

Those who are curious to pursue the enquiry concerning the name of "BAY OF THE NORTH RIVER," as applied to our, so called, "Lower Bay" will find other examples of its use, in the *Certificate of Governor Stuyvesant's farmers*, August 14, 1666—(*Colonial Documents*, ii, 474;)—in the description of Van Dicklagen's purchase on Staten Island, August 5, 1650—(*Whitehead's History of East Jersey*, 19;)—in Cornelis van Tienhoven's *Information relative to taking up land in New Netherland*, March 4, 1650;—(*Colonial Documents*, i, 366;)—in his *Observations on the settlement of the Boundary*, etc., February 22, 1650—(*Colonial Documents*, i, 361;)—in the Patent of land, in Gravesend, "on the Bay of the North River, on Long Island, over against Conyne Island," to Anthony Jansen from Salee, May 27, 1643;—(*MS. Records, Liber GG., Patents*, Folio 61;) etc.

IV. On the twenty-ninth of October, 1661, Peter Stuyvesant presented to the States-General, an answer to certain *Observations of the West India Company on his Report of the surrender of New Netherland*, in 1664. In that answer, he minutely described the measures which had preceded the surrender, in the course of which he said: "Peter Alricks, the city's Commissary, was sent as early as May to the Manhatans from the city's Colonie of New Amstel" [*Newcastle, Del.*] "to purchase some provisions and cattle. These were not to be had in New Netherland; accordingly, having bought up, in June and July, a lot of cows, oxen, and sheep, in New England and on the East end of Long Island, he had, in the absence and before the return of the Petitioner from Fort Orange, conveyed the greater portion of them across THE NORTH RIVER FROM LONG ISLAND to NEUWESINK, distant the one from the other

"about 2 @ 3 leagues, and for the security of the aforesaid cattle put them under the care of some farmers and farm-servants and a few soldiers from the Colonie of New Amstel."—(*Answer of the Hon. Peter Stuyvesant, etc.—Colonial Documents, ii., 433, 434.*)

V. On the last of February, 1664, the Director-general and Council of New-Netherland wrote to the Chamber at Amsterdam, concerning the aggressions of the English, "In our last, by the ship *St. Jacob*, duplicate whereof accompanies this, we have stated and plainly shown, among other things, that although we should cede Westchester and the English towns on Long Island to the Colony of Hartford, it would not satisfy the latter. The proof and effect thereof manifested themselves shortly after the dispatch of our letter; for, some English, both from the East end of Long Island and from Gravesend, DID SECRETLY CROSS OVER THE NORTH-RIVER TO THE NEVERSINKS," [*Neversink*] "lying behind Rensselaers-hook, and there endeavored to purchase a tract of land," etc.—(*Letter, dated "the last" of February, 1664.—Colonial Documents, ii., 231.*)

The fact that the "North-river" was considered, in 1664, as flowing down as far as Sandy-hook, will be evident, to every one who bears in mind that the waters which were "crossed" by Peter Alricks and his live stock, and by the English land-speculators, in that year, to which reference is made, in the preceding paragraphs, were what we call "the lower Bay," which separates Gravesend and New Utrecht, on Long Island, from the Neversinks, in New Jersey—facts which throw great light on this important subject, and indicate, with remarkable clearness, that the opinions which prevailed, at a later day, concerning the mouth of the Hudson-river, were also the well-settled opinions of the best-informed Colonists, as early as 1664 and 1666.

VI. On the eighth of April, 1665, Governor Nicolls made a Patent for lands at Neversink, of which the following is the description: "All that Tract and Part of the main Land, beginning at a certain Place commonly called or known by the name of Sandy Point, and so running ALONG THE BAY West North West, till it comes to the Mouth of the Raritans River," etc.—(*Monmouth Patent, dated April 8, 1665.—Leaming and Spicer, 661.*)

Those who are curious to pursue the enquiry concerning the use of the term, "The Bay," as applied to what we term "the lower Bay," will find other examples in Director Stuyvesant's letters to Messrs. La Montagne and van Rensselaer, Aug. 29, 1664—(*Colonial Documents, ii., 372;*) in *The Register of the Principal Events*

which occurred in the Attack and Reduction of New Netherland.—(*Colonial Documents, ii., 410;*) etc.

VII. About the year 1656, was published, in Holland, a map entitled, *Novi Belgii novaeque Angliæ nec non partis Virginie multis in locis emendata a Nicolao Joannis Visschero.*

On this map is minutely depicted "Nova Belgica sive Nieuw Nederlandt," in all its parts; and the student will find on it, no name whatever for the Hudson-river, EXCEPT AT ITS MOUTH. Our "lower Bay," so-called, is called on this map "Port-May of Godyns Bay,"—the term used for the southernmost mouth of the Hudson, by Ogilby, and Montanus, and Heylyn—while OUTSIDE of this inscription concerning the Bay, between Sandy-hook and Coney-island, where the mouth of the river was then supposed to be, is inscribed these words:

"Groote Rivier at
{ *Manhattans R.*
{ *Noordt Rivier.*
{ *Montaigne Ri.*
{ *Maurits Rivier."*

The weight of this authority may be ascertained from the fact that, even in Holland, as early as 1656, it was employed as an exhibit, in an important case—(*Brodhead's History of New York, i.,*;) from the fact that, on the fourteenth of September, 1769, it was introduced among the leading testimony, in the case of the Northern boundary of New Jersey, before the Court of Commissioners appointed to consider this subject—(*MS. Minutes of the Court, Sept. 14, 1769—N. J. Boundary Papers, iii., 709.* N. Y. Hist. Society's Library;)—and from the fact that that Court, in its judgment in the case, expressly referred to it, and depended greatly on its testimony—"We further find among the many Exhibits," said the Court, "a Certain Dutch Map, Compiled by Nicholas John Vischer, and published not long before the aforesaid Grant from the Duke of York, which we have Reason to believe was Esteemed the most correct Map of that Country at the Time of the said Grant;"—(*MS. Minutes of the Court, October 7, 1769—N. J. Boundary Papers, iii., 706.* N. Y. Historical Society's Library.)

VIII. In 1656, Evert Nieuwenhof of Amsterdam, published a small quarto volume entitled: *Beschryvinge van Nieuw-Nederland* * * * *Beschreven door Adriaen vander Donck*; and this volume is illustrated with a map exactly similar, in every respect, save its extent—being limited to the territory of New Netherland—to that which bears Nicholas Visscher's name, and which has been already described. As in the latter, there is no name inscribed along the line of the Hudson-river, to designate its title; "Port-May of Godyns-Bay," the names applied by Ogilby, Montanus, Heylyn, Visscher, etc., to the southernmost mouth of the Hudson, are re-

peated in this; and the five names of the river, at its mouth, are as fully set forth on this map as on that of Nicholas Visscher; and the approval of that map, by so intelligent a Colonist as van der Donck, gives fresh value to it and stamps it with the highest contemporary authority.

The importance of the testimony, on this subject, which has been furnished in the original edition of this ancient and well-known map, warrants a notice of the action, concerning it, of the New Jersey Historical Society, and the entry of an earnest protest against what seems to have been a violation of the records, on this subject, by that distinguished body.

In the first volume of the *Collections* of that Society, what purports to be a copy of a section of this map has been introduced as the frontispiece of Mr. Whitehead's *East Jersey under the Proprietary Governments*; but, while the words "Port May of Godyns Bay" have been VERY DISTINCTLY inserted in the proper place, *the names of "THE GROOTE RIVIER," OUTSIDE of the former, have BEEN STUDIOUSLY OMITTED; and van der Donck has been FORCED to say NOTHING whatever concerning the Hudson, either at its mouth, at Sandy-hook, or elsewhere.*

Whether considered, to some extent, at least, as parties in interest in this long-continued and closely-contested controversy, or simply as conservators of the truth of History, it would have been more consistent with propriety and its duty, had the New Jersey Historical Society avoided even the appearance of unfairness. No one will deny, however, that, in this peculiar mutilation of the *original* Map of van der Donck, this learned and influential body has quailed before the testimony, on this subject, which that map has presented; while it is not less evident that, as a conservator of the truth of History, it has manifested, by this action, its entire unwillingness to follow the truth, on this question, whithersoever she may lead it.

IX. In 1655, was published in London, a small volume entitled, *America, or an exact description of the West Indies*: * * * *Faithfully represented by N. N. Gent*; on pages 265-270 of which is a description of "*Novum Belgium*, or "*Nieu Nederlandt*."

On page 269 of this work appears the following: "In stead of Rivers, which this Country seemeth a little to want, there are many large and capacious Bayes all along the Coast: the principall whereof are, that which the Dutch call *Nassovius-Bay*, SOMETIMES THE NORDT-RIVIER, WHICH FALLETH INTO THE SEA AT *MAY-PORT*"—a statement which is exactly parallel with those which were made by all the

leading authorities of that period, both Dutch and English.

X. In November, 1653, the West India Company addressed a letter to the States General, to which was appended a *Description of the boundaries of New Netherland*, which had been written in February, 1651, in which occurs these words: "Immediately after obtaining the Charter, the Honble Directors sent divers ships to New Netherland with people and cattle, which people being for the most part servants of the aforesaid Company, purchased many and various lands; among others, ON *THE NORTH (alias Maurice) RIVER*, STATEN *ISLAND*, *Pavonia*, *Hoboocken*, *Nut Island*, and the island of *Manhattans*, with many other lands thereabout," etc.—(*Letter dated "the last of February, 1651."*—*Colonial Documents*, i., 542.)

XI. In another part of the same *Description*, the author of it, who is supposed to have been Peter Stuyvesant, the Governor of the Colony, remarked: "*I insist that the boundary of New Netherland along the sea-coast, should be calculated from the South-bay, beginning at Cape Hindlopin, and including the South-river, unto Godyn's point,*" [*Sandy-hook*], "*being the South-hook of the North Bay, or BEGINNING OF THE NORTH-RIVER,*" etc.—(*Ibid*—*Colonial Documents*, i., 544.)

In view of the fact that this *Description of the boundaries of New Netherland* was probably written by Peter Stuyvesant; that it was adopted by the West India Company; and that it was presented by that Corporation to the States General, too much importance cannot be attached to the evidence which it affords in the question concerning the spot, on the eastern boundary of New Jersey, where "the main Sea" terminated and "Hudson's river" began; and, incidentally, for the determination of the character of those waters which separated Staten-island from the main.

XII. In the *Remonstrance of New Netherland and the occurrences there*, addressed by Adriaen van der Donck, Augustyn Harman, Jacob van Couwenhoven, and others, delegates from the Colonists at New Netherland to the States General, on the twenty-eighth of July, 1649, it is said: "*TO THE EAST OF THE NORTH-RIVER LIES LONG ISLAND, about 40 leagues in length,*" etc.—(*Remonstrance*, etc.—*Colonial Documents*, i., 276.)

In view of the fact that, in 1649, a delegation from the Commonalty of New Netherland, embracing some of the most intelligent and influential of the Colonists, considered the North-river washed the western shore of Long Island, the subsequent testimony, to the same effect, of Ogilby, Montanus, Heylyn, Visscher, and

Governor Lovelace is made more trustworthy, since it clearly shows that the latter were not ignorant of the well-considered opinions, on that subject, of those residents in the Colony who were best acquainted with it.

It is worthy of remark, also, in this connection, that, on the twenty-third of December, 1667, when Governor Nicolls granted what we call Bedlow's-island to Robert Needham, it was described as "*lying and being in Hudson's-river TO THE WEST OF LONG ISLAND*;"—(*Patent*, quoted by the Commissioners from New York, September 28, 1807.)

XIII. On the tenth of September, 1645, a deed was executed by certain Indians, for lands in Gravesend, which were thus described: "Land on Long-island from Kynen" [*Coney*] "island to Gouwanas ALONG THE NORTH RIVER," "and from the same island along the sea-shore to Weywitsprittner" etc.—(*MS. Records*, *Lib. GG.*, *Patents*, Folio 52.)

The shore-line of Long-island, from Coney-island, westward, to Gowanus, was thus described as "ALONG THE NORTH RIVER;" and it is evident, therefrom, that, as early as 1645, that river was supposed to flow into the ocean between Sandy-hook and Coney-island.

This mass of testimony, concerning the lower waters of the Hudson, has been introduced for the purpose of illustrating, as far as that can be done, what was "the Intent and meaning," on that subject, of the Duke, in conveying, and of Sir George Carteret, in accepting, in 1674, "the Tract of land and premises" which is known to us as East Jersey.

It is a recognized mode of ascertaining "the Intent and meaning" of the parties to such an Instrument as the Lease and Release of July, 1674, to inquire what was the generally-received opinions of competent persons, at the period of the execution of the Instrument, on such subjects as that which is now in dispute; and when those opinions can be sustained, *as these have been sustained*, by the concurrent testimony of the preceding thirty years, from both Europe and America, it may be reasonably claimed that, *in the absence of any contrary evidence*, the sense of the terms employed has been correctly ascertained.

For this reason, therefore, it may be said, with reasonable confidence, that in 1674, the Hudson-river was considered by all intelligent, well-informed persons, English, Dutch, and Americans, as flowing on *both* sides of Staten-island and into "the main Sea" at Sandy-hook; that, in that sense, the term, "and part by Hudson's river," was employed in the Grant to Sir George Carteret; and that, in that sense alone, considered *historically*, should the waters which separate Staten-island from the main be now considered.

The "Intent and meaning" of the two parties to the Release of July 29, 1674, concerning the subject under discussion, having been illustrated by the testimony of the best-informed men of that period, both in Europe and America, and by that of the most intelligent Colonists and the most eminent scholars during the thirty years which preceded the execution and delivery of that Instrument, it is proposed to illustrate the subject still further, by an examination of the action, thereon, of both the parties to that instrument and of their common Sovereign, subsequent to its execution and delivery, and subsequent to the occupation of their respective territories, by the Duke and Sir George Carteret.

I. On the thirty-first of July, 1674, three days after his acceptance of the Duke's Release, Sir George Carteret executed and published certain *Directions, Instructions, and Orders to be observed by the Governor and Council, and Inhabitants of New-Caesarea or New-Jersey*, in the recital of which he described his territory as "bounded on the East part by the main Sea, "and Part by Hudson's River," in the exact and very plain words of the Duke's Release, to which reference has been so often made.—(*Directions, etc.*—*Leaming and Spicer*, 50.)

II. On the first day of July, 1676, Sir George Carteret entered into an agreement with the assigns of Lord John Berkeley, for the partition of the joint property of the two, if any there was, in the lands now known to us as New Jersey; and, on the same day, what has since been known as a "Quintipartite Deed" was executed by the respective parties, embracing the terms of that agreement.

In that "Quintipartite Deed," the bounds of the territory assigned to Sir George Carteret—the same which the Duke of York had Released to him, in July, 1674—were thus described:—"Extending Eastward and Northward ALONG THE SEA COAST AND THE SAID RIVER CALLED HUDSON'S RIVER; from the East side of a certain Place or Harbour lying on the Southern Part of the same Tract of Land, and commonly called or known in a Map of the said Tract of Land, by the name of Little Egg Harbour, to that Part of the said River called Hudson's River, which is in Forty One Degrees of Latitude, being the Furthestmost Part of the said Tract of Land and Premises which is bounded by the said River," etc.—(*Quintipartite Deed*, dated July 1, 1676.—*Leaming and Spicer*, 67.)

It will be seen that Sir George Carteret, in both the *Directions*, etc. and in the Deed which have been referred to, recognized the important fact that his territory was bounded, on its Eastern front, *only* by "the Sea-Coast and the

"River called Hudson's River;" and, consequently, that where the "Sea-Coast" ended, on the line of that boundary, "the River" began; that there were not, *then*, considered any other bounds to East-Jersey, on the East, than those two classes of waters; and that the distinctive claims, in behalf of "the Raritan," "the Sound," "the Kill van Col," etc., as such, had not yet been brought into existence.*

The great weight of this very important feature in the early descriptions of the Eastern boundary of East Jersey, was apparent to the learned Commissioners from New Jersey, on whom devolved the duty of determining the boundary, and who discussed the subject with so much ability, in 1807; and they were not slow to take advantage of the arguments of their opponents, from New York, based on an imperfect knowledge of the subject, which seemed to disregard it. With a clearness of statement which might have been expected from such intellectual giants as Aaron Ogden, Alexander McWhorter, William S. Pennington, James Parker, and Lewis Condict, they submitted to their opponents, as a preliminary question, "whether it must not be intended that the Duke considered 'the Hudson's-river ending at the point where the main Sea commenced, or otherwise can it be intended that he meant to leave a chasm in the line of the eastern boundary of New Jersey?'" They also gave four reasons for holding that the Kill van Col was not "intended by the Duke as a part of the main Sea;"—(*Aaron Ogden and others to Ezra L'Hommedieu, Egbert Benson, and others*, October 5, 1807:);—and they clearly and forcibly insisted, as the waters which separated Staten Island from the main were not "intended as part of 'the main Sea,' that both the island and the waters in question belonged to New Jersey, since the Duke could not have "meant to leave 'a chasm in the line of the eastern boundary 'of New Jersey.'" Their opponents, on the contrary, failed to take advantage of those points

which a proper understanding of the history of the subject would have enabled them to have seized; and, unfortunately for their State, they tacitly admitted that the waters in question were not waters of the Hudson, and, consequently, that both the waters and the Island were westward from "Hudson's River," and, therefore, portions of the territory of New Jersey.

The argument of the Commissioners from New Jersey, thus seconded by the unpardonable mistake of those from New York, would have been irresistible, and both the waters and the island would have been lost to New York, had not her Commissioners summarily closed the negotiations by an arbitrary refusal to entertain the principal claim which was made by those from New Jersey—(*Correspondence between Aaron Ogden and others with Ezra L'Hommedieu and others*, October 6 and 7, 1807.)

It is equally fortunate, for the purpose of this discussion and for the defence of the truth of History, that much of the light which was withheld from the Commissioners of 1807 and 1834 has been placed before the world, within the past few years; and, from the State Paper Offices in both Europe and America, and from the collections of the several zealous students who have recently honored themselves and given fresh interest to the memorials of the Past, the present generation has been enabled to learn more of the truth and to ascertain, with greater certainty, more of the groundwork of the errors by which their predecessors were so sadly encumbered, than any which has preceded it.

III. On the twenty-third of September, 1675, Governor Andros of New York, issued a Warrant to the Constable of Staten Island, for taking up some swine belonging to Governor Philip Carteret, which had been "forc't into the water "or by some other accident are swum over "from the point of land by after Cull river to "Staten Island; the said Hoggs or Swine which "Swum over, having his knowne marke:"—(*Warrant, etc.—MS. Records*, Secretary of State's Office, Albany:);—an evidence that the Duke's Governor, at that early day, considered the island to be a part of New York, and, consequently, eastward from the waters of either "Hudson's River" or "the main Sea," on its western borders, which, alone, formed the eastern bounds of East-Jersey, by the terms of the Release.

IV. On the twenty-fifth of March, 1676, a Grant was made by Governor Andros to Captain Christopher Billop, of a "Certaine Parcell "or Tract of land within a Neck upon Staten "Island, * * * * * lying and being "on the South-west side of the said Island, "beginning on the North side of a Creeke which "lyes over against the Land belonging to M.

* The same description of the Eastern boundary of the territory of the Province may be seen in the *Deed* made by Messrs. Cremer and Pocock, Dame Carteret, and the Trustees under Sir George's will, to William Penn and others, February 3, 1683—(*N. J. Boundary Papers*, III, 185—N. Y. Hist. Soc. Library); in the *Release* by the Duke of York to the twenty-four Proprietors, March 14, 1683, (*Leaming and Spicer*, 141-150) in the King's Letters Patent, recognizing the Proprietors' Rights to Soil and Government, November 23, 1683; (*Ibid.*, 151, 152) and in the Articles of "Surrender from the Proprietors of East and "West Jersey of their pretended Right of Government, "to her Majesty," April 15, 1703, (*Leaming and Spicer*, 509-515). It is evident that the effects which attended the same description, in the earlier papers, also attended each of these; and as they have been properly considered evidence of the views of the makers of those Instruments, as well as those of the Acceptors thereof, each of these, also, may justly be considered in the same light as witnesses against the arguments of Mr. Whitehead and of those who concur in his opinions.

"Gabriel Minvielle in the Province of New Jersey so running with the west side alongst the Great Kill to THE BAY then forward with the South side alongst the said BAY to the "East side of a great Pond," etc.—(*Patent and Confirmation*, March 25, 1676.)

In *A Short Account of the Generall Concerns of New Yorke from October 1677*, (*Colonial Documents*, iii., 257) under date of "November ye 16th," in the latter year, appears the following entry: "the Governor" [Andros] "parted from New Yorke, and went to take his leave of Governor Carterett in New Jersey, & lay there all night; the 17th went aboard neare Staten Island, weyed & went down in YE BAY NEAR SANDY POINT, whence hee sayled."

Reference is made to these subjects for the purpose of showing the continued use of the term "BAY," after the date of the Duke's Release and before Sir George's death, in 1679.*

V. Among the *Acts of the General Assembly at Elizabeth-Town, the third day of April, 1679*, was one ordering the levy, "in a Country Rate," of one hundred and fifty Pounds, "to lye in Bank for the Encouragement of any Vessel to come into the Province to Traffick and Trade with Money;" the disposition of which tax was to be made by a Committee to be chosen for that purpose, and approved by the Assembly.—(*Act*, etc.—*Leaming and Spicer*, 181.)

It is evident, however, that that body soon discovered that the trade which it coveted would probably be made only with Elizabeth-town; in which case the vessel would be compelled to approach her Port, either through the waters which are the subject of this discussion or by way of the Narrows and the Harbor of New York, concerning the latter of which New

Jersey has graciously forborne to make any claim whatever, affecting the question under consideration.

In the latter case, it was evident, also, that the adventurer would be legally subject to the payment of Customs, etc., at the *City of New York*: in the former, when the harbor of New York would not be entered, and no other waters than those of what are now known as "The Lower Bay" and "The Sound" would be touched, no one, of course, but the *Proprietor of those waters* could legally take notice of the passage, over them, of the enterprising respondent to New Jersey's youthful aspirations for a foreign trade.

The action on this subject, illumined with the light of that early day and stimulated by the commercial incentive to which the Act referred, of the Colonial Assembly of East-Jersey, in this contingency, possesses the greatest interest; and whomsoever it recognized, at that time, as the sole Proprietor of those waters, may be considered, to some extent, at least, entitled to enjoy that honor. If Sir George was that Proprietor, the vessel and her cargo would have been perfectly safe from all interference in her passage through "Godyn's Bay" and "The Sound" to Elizabeth-town; and no provision was required to indemnify the Captain for the passage of his vessel through these waters to his destined port, the Capital of New Jersey: if, on the contrary, the waters through which the vessel must pass, on her way to Elizabeth-town, belonged to the Duke of York, as portions of his Colony of New York, the trade through those waters would be a violation of the Laws of that Colony; and the Duke's servants might rightfully seize the vessel and her cargo, on charges of smuggling; and both the property might be confiscated and the crew punished. What, then, did the Colonial Assembly of East-Jersey do in this matter?

Simply this; and "nothing more." It reviewed its action concerning the proposed Committee for the "Encouragement of Traffick and Trade" in the Province; and it passed a second Act, reciting the terms and purposes of the levy ordered in the former Act, and providing "That if any one Vessel or Ship shall come in to the Province of New-Jersey, BY WAY OF SANDY-HOOK, and shall do and perform such Duties as is proper to be done and performed, in the said Province, viz: Enter and Clear in His Majesty's Custom-House, which is at the Governor's House in Elizabeth-Town, where is the King's Customer and Collector of New-Jersey, any one Vessel so going out as aforesaid by SANDY-HOOK, the said Vessel should be by any of the Government of NEW-YORK arrested, detained, and condemned, and bona fide

* It is clearly evident that that use of the term was continued to a much later period. This will be seen from the following, selected from a number of examples:

The fourth Chapter of the Laws passed by the General Assembly of East Jersey, which met at Perth-Amboy, on the twelfth of October, 1698, provided for the division of each County of the Province into Townships; and the township of Middletown was thus described, on that occasion: "In the County of Monmouth the Township of Middletown, includes all the Land from the Mouth of Neverinks River, and runs up the said River and Swimming River . . . thence to the head of Matavan, thence to the head of Chesapeake Creek, thence down said Creek to THE BAY, thence round along Shore to where it begun," at the mouth of Neverinks River. (*Leaming and Spicer*, 380.)

After the surrender of "the pretended Right of Government" to the Crown, in 1709, the same names of Counties were continued; and in the General Assembly of New Jersey, January 21, 1709-10, another Act for dividing and ascertaining the Boundaries of all the Counties in this Province was passed. In that Act, Monmouth County is described as beginning "at the Mouth of the Creek aforesaid, that parts the Land of Captain Andrew Bowne, deceased, and George Willocks; . . . thence Southerly along the said Division Line" [of the Eastern and Western Divisions of the Province] "TO THE SEA; thence ALONG THE SEA to the Point of Sandy-Hook; thence up THE BAY to the aforesaid Creek where it first began." *Acts of the General Assembly*—Allinson's Edition—12.

"made PRIZE of, for the only Cause of Trading in this Province, and not entering and clearing at New-York, although entered and cleared as aforementioned, in this Province, that then ~~the~~ said One hundred and Fifty Pounds shall be improved FOR THE REPARATION OF ANY SUCH VESSEL, according to the true Valuation of the same."—(*Acts, etc.—Leaming and Spicer, 131, 132.*)

It will be seen that no attempt was made, or to be made, to protect the vessel, or to defend her enterprising officers before the Prize Court which should adjudge the case: no assertion of a Proprietary right, in Sir George Carteret, to these waters, or any of them, was made or insinuated: the possibility of a seizure of the vessel, by "any of the Government of New York," for a violation of the local laws of New York, which were operative only within the territory of New York, was recognized, without complaint or dissent: and provision was made "for the Reparation of any such Vessel, according to the true Valuation of the same," with the most perfect good temper imaginable—a degree of resignation to an unavoidable fate, which was consistent only with a corresponding knowledge, on the part of that Assembly and Sir George Carteret and his servants, that resistance to that fate would be useless; that the jurisdiction of the Duke and his servants, over those waters, was unquestionable; that they had not been conveyed to the former, in the Duke's Release; and that they were then, in fact, as they are now, historically, part and parcel of New York.

This recognition of the character of the waters in question was not interrupted until the tenth of September, 1680—more than a year after the passage of this Act by the Assembly of East Jersey—when, "for and in Consideration of a competent Sum of lawfull English Money, unto his said Royll Highs. in hand payed," the Duke of York "granted, bar-gained, sold, and confirmed" unto Sir George Carteret, "the Grandson and heire" of the first Grantee of the Province, "THE FREE USE OF ALL BAYES, RIVERS, AND WATERS, LEADING UNTO or lyeing between the said Premises," [of *East Jersey*] "or any of them, in the said parts of America, FOR NAVIGATION, FREE TRADE, FISHING, OR OTHERWISE:"—(*Duke of York's Release to Sir George Carteret, the younger, September 10, 1680—N. J. Boundary Papers, iv.*)—the best of evidence concerning the recognized Proprietary of those "Bayes, Rivers, and Waters leading unto" the only port which East-Jersey then possessed, prior to September, 1680; and not less useful in determining the person in whom the ownership was continued, after that date, subject only to the easement

which had been purchased by the younger Sir George Carteret, "for Navigation, free trade, fishing, or otherwise."

It is proper to notice, in this place, the License which, on the fourteenth of February, 1678, was granted to Joseph Hunt and others, by Governor Carteret, of New Jersey, giving to them "free leave and liberty, to take or kill any whale or whales, or such like great fish, whether at sea, or in any creek or cove between Barnegat and the easternmost parts of this Province."—(*Records, Proprietors' office, Amboy, Book III, 152.*)

This License has been used as evidence of the action of New-Jersey, at an early day, concerning the ownership of the waters in question, and in proof of an averment, on the part of Sir George Carteret's servants, of his rights therein; but there seems to be but little ground for any such pretension. No one has ever pretended that any "cove or creek between Barnegat and the easternmost parts of the Province" was anything but a part and parcel of "the Tract of Land and Premises," which had been conveyed to Sir George, in the Release of July 29, 1674; nor can it now be pretended, with any reason, that those "coves or creeks," or any of them, were not part of the "Appurtenances" to that "Tract of Land and Premises" which were legally conveyed to Sir George, on that occasion. At the same time, it is equally evident that the waters between Sandy-Hook and Constable's-point, whether known as "Hudson's-River," or "Goodyn's-Bay," or "The Bay," or "The Bay of the North-River," or "Raritan-Bay," or "The Sound," or "The Kills," or "The Kill van Col," or "The North-river,"—by all of which names they have been known—could not then, nor can they now, be styled or considered, with any reason, either "a cove" or "a creek," or "at sea;" and no reason exists, nor can exist, for introducing the terms of that License, as evidence, in the present discussion, nor in any other, relative to the particular subject now under consideration.

Nor is it less evident that much light may be thrown on this subject, from the contingent Grant of land on Staten-island—"in case Staten-island falls within this Government"—which was included in a similar Grant for fishing, made to John Ogden and others, on the fifteenth of February, 1668;—(*MS. Records of the Proprietors of East Jersey, Liber iii., Folio 22*)—as well as from the omission of that clause from similar Grants, after "Staten Island had been adjudged to belong to N: Yorke," in 1669;—(Compare the last-named entry in the *Records* with *Samuel Maverick's letter to John Winthrop, Jr., February 24, 1668-9*, and with the *License for fishing, granted by Governor Carteret, February 14, 1678*

—*MS. Records of the Proprietors of East Jersey*, iii., Folio 152).

It is very clear that, during the former occupation of New-Jersey, jointly, by Sir George Carteret and Lord John Berkeley, a claim had been made for Staten-island; that, subject to the contingency of an adverse decision in the case, portions of it were granted to John Ogden and others, as before-stated; that, at a subsequent date, it was duly "adjudged to belong to N: "Yorke;" and that, thenceforth, Sir George made no pretensions thereto, and made no conveyances of lands or privileges thereon. Indeed, from the date of the Duke's Release, (July 29, 1674,) until that of Sir George's death (January 14, 1679,) no question, whatever, appears to have been raised by him, nor by those who acted under his authority, concerning the ownership of either Staten-island, of the waters which separate it from the main, or of the Company's farm at Ahasimus;—(*Gov. Dongan to the Earl of Perth*, Feb. 13, 1685—*Colonial Documents*, iii., 854)—and this significant fact is entitled to great weight, in the examination of this subject.

Of all persons then living, except the Duke of York, Sir George was the most competent to judge of "The Intent and Meaning" of the parties to the Release of July 29, 1674; and as he lived upwards of six years, without discovering that Staten-island, and the Company's farm, and the waters between the island and East-Jersey were his property; and died (January 14, 1679) without disposing of them, and without attempting to do so, it may reasonably be inferred, therefrom, that the terms of the Release, as he understood them, had vested no property in the premises referred to, in him, or in his heirs.

VI. It is said that Sir George left a will, in which he appointed his wife, Dame Elizabeth Carteret, his Executrix, and, John, Earl of Bath, and five others, Trustees "to sell his property for "the Payment of his Debts and Legacies;"—(Recital in *the Duke's Release to the Earl of Perth and others*, March 14, 1682-3—*Leaming and Spicer*, 146)—that those Trustees, on the sixth of March, 1679-80, "conveyed the said Premises, "amongst others things, to Thomas Cremer and "Thomas Pocock;"—(*Ibid*)—that, on the second of February, 1682-3, Messrs. Cremer and Pocock, in connection with the Executrix and Trustees, granted and conveyed to William Penn and eleven others, "all the said Premises called East New-Jersey;"—(*Deed*, dated Feb. 2, 1682-3—*New Jersey Boundary Papers*, iii., 185)—that William Penn and his eleven associates subsequently "conveyed one Moyety of the said Tract of Land "called East New-Jersey and of all other the "Premises," to James, Earl of Perth and eleven others;—(*Deed*, etc.—*Leaming and Spicer*, 146)—that "for and in Consideration of a competent

"Sum of lawful English Money," the twenty-four proprietors subsequently purchased from the Duke of York, *what the latter had already sold to the younger Sir George Carteret, as already stated*—all the right of Government in East Jersey, which had been exercised or claimed by the Duke and, in his behalf, by his servants in New York, together with a right to *navigate*, for commercial purposes, and to fish in, "all Bays, Rivers, and Waters leading into or lying between "the said Premises, or any of them;"—(*Ibid* 146, 147)—and, on the fourteenth of March, 1682-3, a formal Release, promising those Rights to the Earl of Perth and his twenty-three associates, was duly executed.—(*Release*, etc.—*Leaming and Spicer*, 141-150.)

It is worthy of notice that it was during this period, between the death of Sir George Carteret and the perfection of the title to the Province, of the twenty-four Proprietors, that the claim for Staten-island and the Company's farm, at Ahasimus, was renewed; but it is also worthy of notice that the invalidity of that claim was carried on its face; and rendered it the more contemptible.

The fact is undisputed, that, subsequent to the date of the Duke's Release, Sir George Carteret made no claim for either Staten-island, or the waters adjacent thereto, or "the Company's "farm;" that he died, in January, 1679; that he bequeathed all his property in America, to the Earl of Bath and others, as Trustees, to be sold for certain specified purposes; and that, on the sixth of March, 1679-80, those Trustees sold all the property referred to, to Messrs. Cremer and Pocock, by whom it was held until the second of February, 1682-3, when they re-sold it to William Penn and others. The value of a claim to property in Staten-island, which was set up, for the first time, on the *twenty-eighth of March*, 1681, by DAME ELIZABETH CARTERET;—(*Dame Elizabeth Carteret to James Bollin, Secretary*, March 28, 1681)—as well as that of the demand therefor, in her behalf,* which was made by Governor Carteret, on the twenty-first of July, 1681, on the basis of the Duke's illegal Grant of New Jersey to Berkeley and Carteret, in 1664;—(*Governor Carteret to the Governor of New York*, No. 1, July 21, 1681,.)—may be readily ascertained; nor will it require much more trouble, in view of these facts, to ascertain the worthlessness of a similar claim which was also set up, IN BEHALF OF THE SAME PERSON, on the basis of the Duke's Release to the younger Sir George, dated September 10, 1680;—(*Governor Carteret to the Governor of New York*, No. 2, July 21, 1681)—

* "You are to lay claim to Staten Island as belonging "to us, according to his Royal Highness's Grant, and also "the farm at Horseman, and to take it in possession for "MY use."—(*Letter of the Dame to James Bollin*, March 28, 1681.

the Dame, in any capacity, having *never* possessed any right thereto; and all the rights which her husband had possessed therein, if any, having been legally conveyed, by his legatees, to Messrs. Cremer and Pocock, two years before, in accordance with the terms of his will. The only explanation which can be offered for so remarkable an attempt, on the part of the Dame, to obtain what, in any event, belonged to other persons, is her extreme covetousness; another notable instance of which was displayed in her "frivolous Pretences" to the possession of "the House" belonging to the Proprietors," at Elizabeth-town, which so much annoyed the twenty-four Proprietors, about the same time.—(*Instructions to Governor Laurie*, 5th Month 20th, 1683.—*Leaming and Spicer*, 177.)

VII. On the first day of March, 1682-3, a General Assembly convened, at Elizabeth-town, in East Jersey; and, soon after, "having taken into Consideration the necessity of dividing the Province into respective Counties, for the better governing and settling Courts in the same," it passed AN ACT to divide the Province into four Counties, from which may be learned, definitely, what was then considered, by Sir George Carteret's successors, the territory and boundaries of East-Jersey.

In this very important Act, FIRST, no claim whatever was made to any portion of the waters which flowed on the eastern borders of the main land; nor was Staten-island alluded to, in any of its provisions; and, SECOND, Bergen-county was thus described: "Bergen County to contain all the Settlements BETWEEN HUDSONS RIVER AND HACKINSACK RIVER, BEGINNING AT CONSTABLES-HOOK, and so to extend to the uppermost bound of the Province Northward between the said Rivers."—(*Act*, etc.—*Leaming and Spicer*, 229.)

The careful student will observe that this Act embraced a description of all the Territory which the Assembly of East-Jersey then considered as belonging to the Proprietors of that Province; and, as Staten-island and, consequently, the waters in question, were NOT embraced in its provisions, it is a fair inference that neither of these was then supposed to form portions of their Territory. There is, however, a more interesting feature in this Act, which tends still further to the establishment of the opinion, concerning the Hudson-river, which was entertained by that very early Assembly of East-Jersey.

Bergen-county was said, in the Act under consideration, "to contain all the Settlements between Hudsons River and Hackinsack River," from "Constables-Hook to the uppermost bound of the Province, Northward between the said Rivers."—any map of New Jersey will show

that "Hudson's River" was thus formally recognized as far to the Westward as the entrance to the Kill van Col, at least; and if Mr. Whitehead's *Map of the settled portion of East-Jersey, about the year 1682*, with which he has illustrated that period of his *History of East-Jersey*, (Page 88,) may be relied on—which, for the purpose of this discussion, is assumed to be the case—this Act recognized the waters of the Kill van Col as "Hudson's River," as far Westward as the entrance to the Achter Col, or Newark Bay.

It is proper to notice, in connection with this reference to the Act of March, 1682-3 and Mr. Whitehead's Map of the same period, that, as one illustrates the other's meaning somewhat to the disadvantage of the claims of modern New Jersey, and carries the Hudson-river between Staten-island and the main, Westward, to the Achter Col, there is a peculiar interest attached to them, for the purposes of this inquiry. Nor is that interest diminished by the fact that Mr. Whitehead seems to have been disposed to conceal that disagreeable truth, in his exposition of the terms of the Act of March, 1682-3: a disposition which was distinctly displayed in his paraphrase of the Act referred to:—"Bergen included all the settlements between the Hudson and Hackensack-rivers, and extended to the northern bounds of the Province,"—(*East Jersey under the Prop. Governments*, 97,)—omitting all reference whatever, to Constable's Hook, which his map, illustrative of this Chapter, had just shown to have been at the south-western extremity of the Neck, to which point the waters of the Hudson would have been necessarily recognized, on his own authority, had he told "the whole truth" of the matter.*

VII. On the thirteenth of September, 1682, the Duke of York commissioned Colonel Thomas Dongan, as Governor of his Colony of New York. In that Commission, the Duke inserted these words: "And whereas I have since for divers good causes and consideracons by severall instrum^{ts} und^r my hand and seale bargained sold released and confirmed unto Sir George Carterett (late Vice Chamberlaine to His Mats

* There is a very notable fact, however, which illustrates the entire correctness of Mr. Whitehead's map as well as the impropriety of his omission, from the text of his work, of this portion of the earliest description of Bergen-county.

Samuel Smith, the learned historian of New Jersey, under the date of 1683 thus alluded to the "Constable's Hook" of the period of the Act referred to: "There was a considerable settlement on Bergen Point, then CALLED CONSTABLES HOOK, and first improved by Edsall, 'in Nicoll's time.'"—(*History of the Colony of Nova-Casaria or New Jersey*, Ed. 1765, page 166;)—and no better evidence than this is required to show the exact meaning of the Assembly of East Jersey, in 1683, when it formally recognized the Hudson's-river as far westward as the Achter Col, and the unfairness of Mr. Whitehead in omitting all notice of that recognition, from the text of his narrative.

"Household) and his heires, and unto Edward Billing and others and their heires, all y^e tract of land (precell of y^e pmisses) comonly called or knowne by the names of East and West Jersey, scituate on THE WEST SIDE OF HUDSONS RIVER according to certaine Boundaries more particularly expressed in y^e sevral instrm^{ts} and under certaine rents and covents as therein relacôn being thereunto had may more fully appeare."—(*Commission*, etc. — *Colonial Documents*, iii, 329.)

This description of the bounds of East-Jersey will be more expressive when it shall be read in connection with the Act of the Assembly of East-Jersey, for dividing that Province into Counties, and in comparison with allusions to Staten-island, which were made, about the same time, by Sir John Werden, the Duke's Secretary, and by Governor Dongan.

On the first of November, 1684, the Secretary remarked, probably in response to something which the Governor had written: "Statⁿ Island without doubt belongs to y^e Duke for if S^r George Carterett had had right to it, that would have bene long since determined"—(*Letter*, etc., November 1, 1684—*Colonial Documents*, iii, 352.)

In a letter to the Earl of Perth, responsive to a very insulting letter which the Earl had written to him, Governor Dongan remarked: "Your agents have dispersed printed papers to y^e disturbance of y^e inhabitants of Staten Island, It hath been in the possession of his Rll Highs above twenty years (except y^e little time y^e Dutch had it) purchased by Governour Lovelace from ye Indyans in ye time of S^r George Carteret, WITHOUT ANY PRETENCES 'TILL Y^e AGENTS MADE CLAIME TO IT."—*Governor Dongan to the Earl of Perth*, February 13, 1684-5—*Colonial Documents*, iii., 354.)

IX. Reference has been made to the omission of any notice of Staten-island, as a part of East-Jersey, when, in March, 1683, that Province was divided into Counties; and it has been inferred, therefrom, not without reason, that, at that time, Staten-island was not considered a part of that Province, even by its own Assembly; while the waters which flowed between the Island and the main, in that case, were necessarily considered, by that body, either as "the main Sea" or "Hudsons river."

It is a very significant fact, in that connection, that the Governor of East-Jersey never pretended either to possess or to exercise any authority on Staten-island; while, on the contrary, the Government of New York had never ceased to claim such authority and to exercise it; and, in November, 1683, when the latter Province was divided into Counties, "Staten Island, Shutter Island, and the Island of Meadow on the west

"side thereof," were constituted a County, with the name of "Richmond," by which it is known to this day.

It is true, as Mr. Whitehead has stated, that Captain Palmer, in May, 1684, asked for a Deed of Confirmation of his property on Staten-island from the Governor and Council of New Jersey; but it is obvious that Mr. Palmer's caution led him to seek a Release from *all possible claimants of the Island*, in order that, in any event, his property might be safe, without improving the pretended title of the Proprietors of East-Jersey or impairing the real one of the Duke of York. This precaution is no evidence that he considered the pretended title thereto, of the Proprietors, as worth a straw: it proves only that he desired to be safe, against every contingency. It is evident, however, that the authorities of East-Jersey had no confidence in their own pretended Rights in the premises; and that their pretended confirmation of Palmer's title was considered, even by themselves, as little better than a farce. The entry on their *Minutes* is in these words:

"Present, the Deputy Governor," etc.

"Petition from John Palmer, esq., to have a Patent for the lands he has had and taken up on Staten Island. Upon consideration thereof, and that it may be of no ill consequence, BUT RATHER OF SERVICE IN OUR CLAIM TO THAT ISLAND, It is agreed and ordered, that the Governor and Council may take a Patent of the same to him."—(*MS. Minutes of Proprietors*, Liber A B, folio 13—quoted in *Report of Commissioners*, Edit. Trenton, 1807, p. 62.)

We decline to accept as true Mr. Whitehead's statement that "the Duke not only conveyed" [*to the Earl of Perth and others*] "the eastern moiety of 'the whole intire premises,' but added 'together with all Islands, Bays, &c.,' words 'not in the original Grants;'" and our reasons can be ascertained by any one who will read the papers referred to; nor are we prepared to admit, as true, what he insinuates, that from the day of the date of the Duke's Release to the Earl and his associates, Staten-island and the Bay ceased to be parts of the Duke's Province of New York.

This is evident from the facts that the Duke had already granted THE SAME properties, rights, and privileges, such as they were, to the younger Sir George Carteret—(*Release to Sir George Carteret*, the younger, September 10, 1680:—that he possessed no portion of what he was asked by the Earl of Perth, to Release and convey "to the twenty-four Proprietors;" that he cautiously conveyed, therefore, only, "AS FAR AS IN HIM LYETH," the lands and premises which had been held by Sir George Carteret, the elder, "together with all Islands, Bays, Rivers, Waters, Ports, Mines, Minerals, Quar-

"ries, Royalties, Franchises, and Appurtenances whatsoever to the same belonging, or in any wise appertaining; and all the Estate, Right, Title, Interest, Reversion, Remainder, Claim, and Demand whatsoever, as well in Law as in Equity, of his said Royal Highness James, Duke of York, of, in, unto, or out of the same, or any Part or Parcel of the same;" and that the substance of this conveyance to the Earl and his associates, was simply his confirmation, as the Mesne Lord of the Country, of the change of Lessees of East Jersey, and his permission to navigate the waters "leading unto or lying between" the lands thus Leased to the Proprietors, from which the former Lessees had been carefully excluded. That the Duke's meaning was fully understood by the Grantees is evident from the terms of their Commission to their first Deputy-governor, Gawn Lawrie, which was in these words: * * "constitute and appoint him Deputy Governor of the said Province, and of all Isles, Rivers, Islands and Seas within the same, or belonging thereto."—(*Commission*, etc., July, 1683—*Leaming and Spicer*, 168-170.)

If Mr. Whitehead had quoted the Duke's Release to the Earl of Perth, without mutilation, it would have been apparent to every one, as it must have been to the Duke's Grantees, that a Release, "as far as in him lyeth," of what "belonged or in any way appertained" to something which he had already Released to the younger Sir George Carteret, did not amount to much, as an absolute conveyance of either what was or what was not mentioned in the Deed; and it is not very clear that a grave argument of title resting entirely on the mutilated record of this empty quit-claim, is any better entitled to the respect of the candid, impartial student of the history of our country, than the conveyance or the mutilated record on which it depends.

X. On the fourteenth of August, 1687, an order was sent from the Home Government to Governor Dongan, to allow all ships and vessels bound for Perth Amboy to proceed directly to that port, without touching at New York. The order is in these words: "Whereas by former Instructions given unto you His Maty has thought fitt to Order, *That all Ships & Vessels coming within the River and Channel of New York shall enter at His Maty's City and Port of New York*, his Maty is pleased, upon further consideration, to direct us to signify his pleasure to you That you permit all *Ships & Vessels bound for New Perth*," [Perth Amboy] "in His Majesty's Colony of East-Jersey to go directly thither, without touching at New York or being carried thither, until further order. *Provided always that the Government of East-Jersey do suffer such person as*

"you or the Receiver General of His Maty's Revenue at New York for the time being shall appoint, peaceably & quietly to receive & collect for His Maty's use the same Customs & Imposts as are usually paid at New York for such shippis and their lading as are entred there."—(*Order*, etc., August 14, 1687—*Colonial Documents*, iii, 428.)

On the thirteenth of December, of the same year, the King issued *Instructions for our Trusty @ Webelow'd Matthew Plowman, Esqre our Collectr and Receiver of our Revenue on our Province of N York and the Territories depending thereon in America*, in the third clause of which the Hudson's river is styled "the River or Channell of New York or Hudsons River"—which explains the meaning of the term which was applied to Godyn's Bay, in the Order to Governor Dongan, last referred to, and establishes the fact that His Majesty and his Council considered, as late as 1687, that Hudson's river extended, seaward, as far as Sandy Hook.

In the eighth clause of these *Instructions* is an Order of similar purport to that which had been issued to Governor Dongan, four months before; and in that, also, the waters leading to Perth Amboy are styled "the River or Channell of N York or Hudson's River."—(*Instructions*, etc., December 13, 1687—*Colonial Documents*, iii, 501, 502.)

It will be seen, from these orders, that the waters leading from the ocean to Perth Amboy, [Godyn's Bay] were considered, in 1687, as "the river and channel of New York or Hudson's River;" that the jurisdiction over those waters belonged to the Governor of New York, notwithstanding the Release to the Earl of Perth; and that, even when a special favor was granted in order to facilitate Trade, the Governor of New York did not cease to exercise legal and recognized authority over those waters and that Trade, even at the piers in the port of Perth Amboy.

What better evidence is needed to prove that, in 1687, at least, the waters which are the subject of this inquiry, as well as those which lead to them, were considered, by the common Sovereign of both New Jersey and New York, as belonging to the latter?

XI. In the year 1689, "several Merchants and adventurers trading to and interested in the province of New York and the adjacent Colonys and Islands in America," petitioned the King that the inroads of the French had jeopardized the Colonies; and they prayed that measures might be adopted to protect them.—(*Petition*, etc.—*Colonial Documents*, iii, 651.)

Accompanying this Petition were Sundry Reasons to "inforce" it on His Majesty's attention; as well as sundry "Proposals," of which the

following is the first: "That a platform be built at Sandy Hooke or sandy Bay in East Jersey AT THE ENTRANCE INTO HUDSON'S RIVER FROM THE SEA which lyes so conveniently situated by reason of the great settled sandbanks there that no ship can pass up into Hudson's river but within muskett shott, as will appear by the mapp."—(*Reasons, etc.—Colonial Documents*, iii, 352, 353.)

XII. It is very well known to all who are acquainted with the early history of New Jersey and New York, that the Proprietors of East Jersey insisted on their right to establish a Port at Perth-Amboy, at which goods might be laden and discharged without accountability to the Colonial authorities of New York; while the latter steadily resisted the claim and denied its legality.

At length, the subject was brought before the King and his Council; and the result of that application was communicated by the Lords of Trade to the Earl of Bellomont, in these words:

"Since your Lordship's departure from hence, the proprietors of East and West New Jersey having been very pressing for the Privilege of Ports in those Countries, we have been obliged to enquire carefully into their pretended right thereunto, and to lay our opinion before His Majesty, that they have no such rights, and that it is not convenient it should be granted to them; upon which His Majesty having been pleased to GIVE DIRECTIONS ACCORDINGLY, and a copy of our representation being inserted in the order of Council made thereupon, we send you herewithall a copy of the said order, that you may understand the reasons of that determination and TAKE CARE THAT THE RIGHTS AND PRIVILEGES OF THE PROVINCE OF NEW YORK BE NOT INFRINGED."—(*Lords of Trade to Earl Bellomont*, February 23, 1697-8.—*Colonial Documents*, iv, 298.)

A careful perusal of the "opinion" of the Board of Trade, on the subject referred to, and of His Majesty's Order in Council, which was based on that "opinion," would throw some light on the ridiculous pretences of some who have assumed to speak in behalf of the "pretended rights" of East-Jersey, on other subjects as well as this. For the purposes of this enquiry, however, only a small portion of that "opinion," which his Majesty adopted and embodied in his "Order" on the subject, need be quoted; but that portion is a fair specimen of the character of the entire paper.

In reference to the Proprietors' petition for an "Order" to establish a Port at Perth-Amboy, the Board of Trade expressed this "opinion:

"That it is, in no place that we know of, either in England or elsewhere, usuall to have

"two Ports, independent on each other, IN ONE AND THE SAME RIVER, OR WITHIN THE SAME CAPES OR OUTLET INTO THE SEA; such a practice being manifestly liable to great Inconveniences.

"That Perth-Amboy LIES ON ONE SIDE OF THE MOUTH OF THE SAME RIVER WHICH RUNS BY THE CITIE OF NEW YORK (THAT RIVER BEING DIVIDED IN THE MOUTH OF IT BY AN ISLD CALLED STATEN ISLAND) and is within the same capes."—(*Report of Board of Trade*, 25th November, 1697.—*MS. Documents*, Secretary of State's office, iv, 298.)

This "opinion," as has been stated, was adopted by His Majesty and the Council, and embodied in their "Order" denying the "pretended right" and coveted privilege; and a copy of it was transmitted, officially, to the Governor of New York, that he might "understand the reasons of the determination;" with an order to "take care that THE RIGHTS AND PRIVILEGES OF THE PROVINCE OF NEW YORK be not infringed."

The consequence of this Order in Council was very soon apparent. The Proprietors, whose principal purpose in purchasing the lands and settling them was to make themselves independent, on matters of Government, of all other persons—(*Memorial of the Proprietors to the Lords of Trade*, July 5, 1699)—abandoned the project and surrendered their "pretended right" to the Queen—(*Articles of Surrender*, April 15, 1702;)—while Perth-Amboy was "overshadowed by New York;"—(*Gordon's Gazetteer of New Jersey*, 214,)—and New Jersey, on all matters of commerce, thenceforth, became, in fact, as well as in law, entirely subordinate to New York.

XIII. On the seventh of December, 1700, the Earl of Bellomont ordered Colonel Romer, a well-known engineer, to sound the waters between the city and the ocean; to ascertain whether any ships could approach, by way of Amboy; and to select sites for defensive works, for the protection of the city from an assault on its water-front.

On the thirteenth of the succeeding January, [1700-1] the Colonel made an elaborate Report, in every part of which the waters which separated Staten-island from the main were considered as, and called, "a second arm of Hudson river" called the Coll, between Staten-island and East Jersey."—(*Report of Colonel Romer*, January 13, 1700-1—*Colonial Documents*, iv., 836, 837.)

It will be seen that Colonel Romer, after whom the celebrated "Romer Shoal" was named, followed the theory of the Board of Trade and the King and Council; and considered "The Kill van Col," "The Sound," "Raritan Bay," and "The Lower Bay" only as "a second arm of Hudson's River." The value of his opinion,

on this subject, may be readily ascertained from what has been written.

From the evidence which has been adduced, it will be seen that, from an early day—as early as 1643—the waters of what we call “The Kills” and “the Lower Bay” were considered and disposed of as waters of Hudson’s River—(*Patent to Anthony Jansen, at Gravesend, May 27, 1643*;)—and that, without a single adverse witness, the same opinion prevailed and the same action was continued, both in Europe and America, among the Dutch as well as the English, until the surrender of the Colony to the King of Great Britain, and its transfer to the Duke of York, in July, 1674.—(*Original Deed for Gravesend, L. I., September 10, 1645; Remonstrance of Adriaen van der Donck and others, July 28, 1649; Cornelis van Tienhoven’s Information, etc., March 4, 1650; Director Stuyvesant’s Description of the boundaries of New Netherland, February 1651; N. N.’s America, Edit. 1655, page 269; Adriaen van der Donck’s Map of New Netherland, Edit. 1656; Nicholas J. Visscher’s Map of New Belgium, etc., Edit. 1656; Jacques Corteljou’s Petition, January 23, 1657; Director Stuyvesant’s Letter to the States-General, “last “of February, 1664;” the same to Messrs. La Montagne and van Rensselaer, August 29, 1664; The Register of the Attack and Reduction of New Netherland; Governor Nicholls’s Patent for lands at Neversink, April 8, 1665; Certificate of Director Stuyvesant’s farmers, August 14, 1666; Director Stuyvesant’s Observations, 1666; Governor Nicolls’s Patent for the town of Gravesend, August 15, 1668; Heylyn’s Cosmographie, Edit. 1669, Liber IV, page 96; Indian Deed of Staten-island, April 14, 1670; Montanus’s De Nieuwe en Onbekende Weereld, Edit. 1670, page 123; Ogilby’s America, Edit. 1671, page 170; Minutes of the Council, April 23, 1674; etc.)*

At that time, after the opinion above referred to had become well-grounded throughout the entire civilized world and while it was yet entirely uncontradicted by either the avaricious or the envious, in any part of the globe, the Duke of York, as the Mesne Lord of the Country, Leased and Released to Sir George Carteret, “all that “Tract of land and Premises” which was known, subsequently, as East-Jersey and bounded, on its Eastern front, by “the main Sea” and “Hudson’s River;”—(*Release, etc., July 29, 1674; Sir George Carteret’s Directions, Instructions, and Orders, July 31, 1674; Quintipartite Deed, July 1, 1676; Release to Sir George Carteret, the younger, September 10, 1680; Dame Elizabeth Carteret and others’ Deed to William Penn and others, March 14, 1682; Articles of Surrender of the Proprietors’ pretended right of Government, April 15, 1702; etc.*)

It is a reasonable conclusion, therefore, that,

in accordance with the general use of the term, at that period, the Lease and Release in question were intended to convey only the lands which were bounded, on the East, by *low water mark* on “the main Seas,” or Atlantic Ocean, and on “Hudson’s River,” or, as it is now called, in different localities, on “The Lower Bay,” “Raritan Bay,” “The Sound,” “The Kill van “Col,” “The Bay of New York,” and “The “North River;” and that the latter and the islands which are in them, are not, historically considered, nor have they ever been, waters or islands of either East Jersey or New Jersey.

This conclusion is sustained, **FIRSTLY**: By the terms of the original Deeds of *Lease and Release*—(*Release, July 29, 1674*).—**SECONDLY**: By the subsequent action of both the original parties thereto—(*Sir George Carteret’s Directions, etc., July 31, 1674; Quintipartite Deed, July 1, 1676; Gov. Andross’s Warrant for taking up Gov. Carteret’s pigs, Sept. 23, 1675; Patent, by Gov. Andross, to Captain Billop, Mch 25, 1676; Act to levy £150, in East Jersey, April 3, 1679; Omission of Grant of land on Staten-island, to Joseph Hunt, Feb. 14, 1678; Sale, by the Duke, of a right to navigate the waters referred to, Sept. 10, 1680; The similar sale to the Earl of Perth and others, March 14, 1682; Order from the Lords of Trade to Governor Dongan, Aug. 14, 1687; Instructions to Collector Plowman, Dec. 13, 1687; etc.*)—**THIRDLY**: By the action or direct acknowledgment of those into whose hands Sir George’s estate in East-Jersey fell, after his death, in 1679—(*Purchase, by Sir George Carteret, the younger, of a right to navigate, Sept. 10, 1680; Act for dividing East-Jersey into Counties, March 1, 1683; Deed of surrender to the Queen, of “the pretended right of Government,” by the Proprietors, April 15, 1702; etc.*)—and, **FOURTHLY**: By the action or direct acknowledgment of King William and his servants, into whose hands the Duke’s property passed, after the abdication of the latter.—(*The King’s Orders in Council, November 25, 1679.*)

Although it is confidently believed that the position of the learned Attorney-general has been clearly sustained by the train of authorities, extending from 1644 until 1702, which have been adduced, and by the application of their testimony to the several branches of the subject; there is another stand-point from which the question which was proposed by General Cochrane may be examined, it is believed, with precisely the same result.

Thus, it may be said, for that purpose only, that the waters which separate Staten-island from the main are not, nor were they ever, properly considered waters of the Hudson’s river; that the Narrows were, and are, the only

channel of that river; or, if that shall be more acceptable, that the river does not flow, nor has it ever flowed, *as such*, further to the Southward than the southernmost point of Mashattan-island.

It is unquestionably true, that, by the terms of the Treaty of Westminster, the title to New Netherland, for the first time, was legally vested in the King of Great Britain; and that, on the twenty-ninth of June, 1674, Letters Patents were issued to James, Duke of York, in which were included Grants, among other properties, of "all that Island or Islands, commonly called by the several Name or Names of *Matowacks* or *Long-Island*, scituate, and being towards the West of *Cape Codd* and *Narrow-Higansetts*, abutting on the main Land between the two Rivers there, called or known by the several Names of *Connecticut* and *Hudsons-River*; together also with the said River called *Hudsons-River*, and all the land from the West side of *Connecticut River*, to the East side of *Delaware Bay*. And also all those several Islands called or known by the Names of *Martin Vinyards* and *Nantukes* otherwise *Nantuckett*; together with all the Lands, Islands, Soils, Rivers, Harbours, Mines, Minerals, Quarries, Woods, Marshes, Waters, Lakes, Fishings, Hawking, Hunting and Fowling; and all other Royalty's Profits, Commodities and Hereditaments to the said several Islands, Lands and Premises belonging and appertaining, with their and every of their Appurtenances; and all our" [the King's] "Estate, Right, Title, Interest, Benefit and Advantage, Claim and Demand of, in, or to the said Lands or Premises, or any Part or Parcel thereof, and the Reversion or Reversions, Remainder or Remainders; together with the yearly and other Rents, Revenues, and Profits of the Premises, and of every Part and Parcel thereof; TO HAVE AND TO HOLD all and singular the said Lands and Premises, with their and every of their Appurtenances, hereby given and granted, or herein before mentioned to be given and granted, unto our said dearest Brother JAMES Duke of York, his Heirs and Assigns forever;"—not absolutely, in fee simple, as Mr. Whitehead seems to suppose, but—"to be holden of us, our Heirs and Successors, as of our Mannor of *East Greenwich* in our County of *Kent*, in free and common Socage, and not in Capite, or by Knight Service yielding and rendering. And the said JAMES Duke of York, for himself, his Heirs and Assigns, doth Covenant and Promise to yield and render unto us our Heirs and Successors, of and for the same yearly and every Year. Forty Beaver Skins when they shall be demanded, or within Ninety Days after such demand made."—(*Letters Patents to the Duke of York*, June 29, 1674.)

It is not necessary, for the purpose of this discussion, to notice other portions of the Grant to the Duke of York; nor is it any more necessary to describe, in all its details, the nature of the tenure by which the Duke held the immense tracts of land and water to which reference has been made.

It is enough to say that the Duke was merely *the King's tenant*, holding the country as a *tenement*, agreeably to the well-established and well-known law of the land, as it was at the period of the Grant; and Mr. Whitehead and those with him who measure, by the standard of modern conveyancing, in America, the Grant of what was subsequently known as East-Jersey, either by the King, or the Duke of York, have either failed to discover a very important element in this subject or neglected to bring it before their readers and the world.

But, as has been said, this branch of the main subject need not be discussed, in this place, as it has little connection with the question which is immediately under examination.

It is equally true, however, that, on the twenty-ninth of July, 1674, the Duke of York, *as the Mesme Lord of the Country*, "for and in consideration of a competent Sum of good and lawful Money of *England* to his Royal Highness in Hand paid by Sir George Carteret," *re-leased to the latter*, as a sub-Tenant, after the feudal custom of those times, "all that Tract of Land adjacent to *New-England*, and lying and being to the Westward of *Long-Island* and *Manhitas* Island, and bounded on the East part by the main Sea, and Part by *Hudson's River*, and extends Southward * * * which said Tract of Land is hereafter to be called by the Name or Names of *New-Caserea* or *New-Jersey*: And also all Rivers, Mines, Minerals, Woods, Fishings, Hawking, Hunting, and Fowling, and all Royalties, Profits, Commodities, and Hereditaments whatsoever, to the said Lands and Premises belonging or appertaining; with their and every of their Appurtenances, in as full and ample manner as the same is granted unto the said JAMES Duke of York by the before-recited Letters Patents; and all the Estate, Right, Title, Interest, Benefit, Advantage, Claim, and Demand of the said JAMES Duke of York, of, in, and to the said Lands and Premises, or any Part or Parcel thereof, and the Reversion and Reversions, Remainder and Remainders thereof: * * * TO HAVE AND TO HOLD all and singular the said Tract of Land and Premises, with their, and every of their, Appurtenances, and every Part and Parcel thereof, unto the said SIR GEORGE CARTERET, his Heirs and Assigns forever; yielding and paying therefore unto the said JAMES Duke of York, his Heirs and Assigns,

"for the Tract of Land and Premises, Yearly the sum of *Twenty Nobles* of lawful Money of *England*, if the same shall be lawfully demanded at or in the Inner Temple Hall London, at the Feast of *St. Michael* the Arch Angel yearly."—(*Release to Sir George Carteret*, July 29, 1674.—*Leaming and Spicer*, 46-48.)

It will not be necessary to encumber these pages with a detailed description of the tenure by which, as the Duke's tenant, Sir George held the "Tract of Land" or tenement which has been described; nor will it be necessary to inform the reader why, as such Tenant, a yearly rental therefor was agreed upon, in addition to the "fine," or "competent Sum of good and lawful Money of *England* to his Royal Highness in Hand paid by the said Sir GEORGE CARTERET, before the Ensealing and Delivery of" the Duke's Release, by which the Grantee was settled in his possession, after the restoration of the country to the King of Great Britain.

It will be useful, however, to remind Mr. Whitehead, that Sir George bought nothing but the possession, as a sub-tenant, of the "Tract of Land" and its appurtenances, which have been described, for which he agreed to pay his Lord, the Duke, a yearly rental of Twenty Nobles; and that, as no other reservation, by way of rental or otherwise, was made by the Duke, as the Mesne Lord, Sir William Jones subsequently decided, with great propriety, that no other consideration or rental than the Twenty Nobles, per annum, which had been reserved in the Release to Sir George, could be legally imposed upon the sub-tenant or his Assigns, by the Duke or his servants.—(*Sir William Jones's Opinion*, 28 July, 1680—*Colonial Documents*, iii, 285.)

It is equally clear, however—and Mr. Whitehead and those who concur with him appear to have overlooked that fact—that the terms of the same Release which protected Sir George and his Assigns from the Duke's tax-gatherers, also protected the Duke from Sir George Carteret and his Assigns, in the legal occupation and control of all the LANDS of his Dominion, (except the "Tract of Land adjacent to New England," which was described in the Duke's Release to Sir George,) and of EVERY "Island" (INCLUDING STATEN, and Shutters, and Hobcock) and EVERY "Soil and Harbour" (including The Bay of the North River or Godyn's Bay) and ALL the "Quarries and Murshes" (including those which were made parts of Richmond-county, in the Act of November 1, 1638) and ALL the "Waters" (including the Sound and the Kill van Col—the Achter Col "belonging or appertaining" to East Jersey.—) and ALL the lakes, which were within the entire country, together with all the Rivers, Mines, Minerals, Woods, Fishings, Hawking, Hunting, and Fowling therein, WHICH DID NOT

NECESSARILY BELONG OR "APPURTAIN TO THE SAID LANDS AND PREMISES," inasmuch as no portion whatever of all these had been conveyed by him to Sir George or to any other person.

If this view is correct—and it may be settled, for himself, by any one who will take the trouble to compare the character and extent of the Duke's estate, in America, as described in the *King's Letters Patents* of the twenty-ninth of June, 1674, with what he Re-leased to Sir George Carteret, as described in his *Release* of the twenty-ninth of July, 1674, both of which have been copied into this *Review*—Sir George had acquired no more title to the waters in question, although they were neither waters of "the main Sea" nor of "Hudson's River," nor to Staten-island, than the Duke had reserved in the profits of Sir George's tenement, the *Release* being equally silent on both subjects.

Nor was the omission of these premises from the terms of the Duke's *Release* to Sir George Carteret, ever remedied.

When the latter died, in 1679-80, his property descended to his grandson, unto whom, as the sub-tenant, subject, of course, to the terms of his Grandfather's will, the usual *Release* was made by the Duke, as the Mesne Lord of the country.—(*Blackstone's Commentaries*, Book II. Chap. V.—Edit. Oxford, 1766, ii. 66, 67; *The Duke's Warrant to Sir John Churchill to prepare the Release*, September 6, 1680; *Recital to the Duke's Release to the Earl of Perth*, March 14, 1682; etc.)—On the sixth of March, 1679-80, the Trustees of Sir George's estate conveyed it to Thomas Cremer and Thomas Pocock; on the second of February, 1692-3, these gentlemen, in connection with the Trustees and Executrix of Sir George Carteret, re-sold that portion of the estate of the latter which was in East-Jersey, to William Penn and others; by whom one moiety of the same was subsequently re-sold to the Earl of Perth and others—the aggregate numbering twenty-four persons.

Unto these, as sub-tenants, after the payment of the usual "fine," agreeably to the feudal law of that day, the Duke of York, as the Mesne Lord, re-leased the premises which had been conveyed to Sir George Carteret, together with "all Isles and Islands," * * * THEREUNTO "BELONGING," certain specified rights of Government "which were necessary," etc., and "the free Use of all Bays, Rivers and Waters, leading unto or lying between the said Premises, or any of them, in the said Parts of *East New-Jersey*, for Navigation, free Trade, Fishings, or otherwise;" reserving, of course,—because they are not included—all his property

* Nothing was said in this Deed, of any "Bays," among the Premises re-leased by the Duke, on that occasion, as some persons have gravely asserted was the case.

in the Islands which did not "belong to" East Jersey, and all his rights in every other part of the domain, subject only to the easement, "for "Navigation," etc., on the waters "leading "unto or lying between the said Premises" [*East New-Jersey*] "or any of them."

For the reason, therefore, that Staten-island and the "waters" in question, were reserved, when the Duke conveyed East-Jersey to Sir George Carteret; and for the additional reason, that they were never subsequently conveyed, either to Sir George or to his Heirs or Assigns, they may be properly claimed, as they have been and are now, claimed, historically, as a portion of the ancient territory of New York, subject only to the easement referred to and to the provisions of the inter-State Treaty of 1834.

H. B. D.

[TO BE CONTINUED.]

III.—THE PIONEERS OF CENTRAL NEW YORK.

REPORT OF THEIR SECOND ANNUAL MEETING.

COMMUNICATED BY HON. HENRY C. VAN SCHAAK.

This Association met at the City Hall, at Syracuse, on Tuesday, the sixth of September, at ten o'clock, the President of the Association, Hon. Oliver R. Strong, of Onondaga, in the Chair. After calling the meeting to order, he invited Rev. Eben L. North, of Onondaga, to offer prayer. The venerable Minister fervently invoked the blessing of Almighty God upon the gathered veterans of other days, and upon the deliberations of the occasion.

The Minutes of the last meeting were then read by the Secretary, and approved.

The Report of the Treasurer was read, showing the receipts of the past year to be \$51.00, and the expenses \$29.47, leaving a balance in the hands of the Treasurer of \$21.53. The Report was accepted.

The President, Judge Strong, announced that he had spent some time, since the last meeting, in preparing some reminiscences of Central New York, especially a history of the Supervisors of Onondaga-county and of the Courts of this part of the State, alluding, briefly, to very many of the actors in these days. He stated that he was unable to speak long at one time, but would present these papers to the public, through the press.

The following letters and communications were then read by the Secretary:—

Letter of Ira Hills.

TO THE SECRETARY OF THE
PIONEER ASSOCIATION:

I think I gave a hint, at the meeting, last year,

that you might hear from me, as one of the pioneers of Onondaga-county. Since arriving home, the interest of that gathering of ancient worthies has, by no means, abated in my own mind, nor neither do I think the lapse of time is calculated to lessen the interest.

Out of that organization of old veterans, methinks, will grow something that will interest unborn generations. We can look upon it as a starting point of statistics and reminiscences, from which will yet be gathered a mammoth volume, for future generations, yet to be stored in the archives of coming ages.

Your correspondent was glad that communications were solicited from the pioneers of Central New York, from their various localities, to the Secretary of the Association, to be faithfully kept, for the future historian, however illiterate the penman might be. This has emboldened him to take his pen—not that he supposes that many cullings from his pen will be found of sufficient value to help swell the anticipated history—but we earnestly trust and hope there are many others who will. It is hopeful the "Press," as well as old pioneers, will encourage each other thus to do, that our Secretary may keep in store "material" for the future historian.

That meeting more than met the anticipations of this *old man*, which stood high, the moment his vision caught your "Circular"—it was all and more than imagination could picture—to see that "City Hall" thus filled with venerable heads. To use agricultural phrases, it might well be called *Floral Hall*—such an exhibition of grave blossoms, of various hues, are rarely seen or witnessed—and yet from these very blossoms have generated the seed which, by faithful propagation, has made Central New York what she now *is* and what she *is to be*.

As precious as those greetings were, there was one thing lacking in that antique gathering. Why did we not fill up intervals in singing the old Yankee style of fugue music, such as old *Bridgewater* and the like? It seems, as I look over that assembly, we might have got up a Concert that would emphatically have been styled an "Old Folks'," which would have caught the attention of the workmen below, or drowned their vexatious hammering, at least.

Now I do hope, whoever of us live to witness another anniversary, singing will be made a part of the programme, in the Circular, and giving it more of a public notoriety and deeper interest by frequent allusions to it, in the "weeklies and "dailies," in Central New York. All this may be done by acting up to the request of the Association, in sending frequent reminiscences to the *Heralds* and *Journals*, in those Counties which comprise the Association.

That most excellent Address, should it be printed, would do much in waking up an interest in those who should read it. We hope and trust it will have a wide circulation.

Your correspondent is but little known out of his own neighborhood—bears no very honored title, save the one you are pleased to give him, derived from ecclesiastical authority, and that of Captain, made so by the round-hand signature of Daniel D. Tompkins; and under that Commission he and his Company were called upon for camp-service, in the War of 1812, at the Harbor. As humble as he is, his life's history is part and parcel of Central New York. So with all who entered this howling wilderness, when naught but savage foot-prints was seen, and the voice of wild beasts was heard. No matter if we haven't made a great mark in the world, we *did* in the wilderness. We have seen and experienced things the middle-aged know little about; and stand as honorable in ancestry as they; and are living upon a soil which we have converted from a dense forest to fruitful fields; and feel an assurance that we are not eating the bread of idleness; and are mostly venerated by the present generation; and if there are any who look down upon them with a captious eye, they only remind us of the words set to the tune of old *Russia*.

It seems to your correspondent that Central New York embraces too much territory for convenience, in our annual gatherings. Not one in fifty ever hear of it; and then many are unable to travel so far and bear the necessary expense. Why may not the Association mutually adopt some system, in meeting in Counties, and yet have a central point holding a sort of a controlling influence? To us, it would seem there would be no need of contention for State rights.

Some Counties have already, at least Oneida-county has, its history, gotten up by the Hon. Pomeroy Jones, entitled *Annals and Recollections of Oneida County*—nearly 900 pages, a very valuable work, which cost him much time and money. His reward will be the consciousness of having done what he could to perpetuate its history. Still there are a great many things which might be gathered, in this Association, especially, without impoverishing any one.

Enough for once, if not for all.

Most truly yours,

IRA HILLS.

Letter from Hon. John Loite.

HAMILTON, Sept. 8d, 1870.

DEAR SIR: Through a Committee of the "Pioneer Association of Central New York," I have been notified of the Annual Meeting of said Association, to be held on the 6th instant, at Syracuse (for which I thank them), and much regret my inability to attend, in person. And,

though I cannot promise anything interesting, I am inclined to evince my appreciation of that courtesy, by availing myself of the invitation to those who cannot attend personally, to present some "reminiscences," as old settlers; and, in order to enable the Association to judge whether I am entitled to be considered such "pioneer," I will give a brief sketch of my history. And, *imprimis*, I would say that I was born in 1786, in the north-western extremity of the Blue-Law State; and, at the age of six years, my father removed to what was then the town and County of Herkimer, N. Y., now Smyrna, in Chenango-county. At this time, there were only about fifteen or twenty houses between the Catsville* and where my father pitched his tent, in the form of a log-house, in the woods, at the time removing only such trees as, by falling, might crush the tent. At the age of ten years, I was sent by a physician, to Utica for medicine. At this time, the road was indicated by marked trees, chiefly. There were six houses on the way to Utica. *One* in what is now Lebanon; *two* at what was, for a long time, called "Payne's Settlement" (two families); *one* at the "Indian opening," so called; *one* occupied by Chas. Cassity, at Cassity Hollow, now Oriskany Falls; *one* at Paris Hill; *one* occupied by Judge Sangster, at New Hartford. And, at Utica, there was "Bagg's log tavern" and a small frame house, a little South, and a small shanty, about 10x12, placed on stilts, occupied by Wolcott and Guiteau, as a drug store, where I got the medicine. Although this was in the summer-time, the road from New Hartford to Utica was a quagmire. It was several years before wheeled carriages, of any description, were introduced. Travelers rode on horseback; and farming business was done with ox-teams and sleds, instead of wagons and horses. But so rapid was the settlement, in the vicinity of Utica, that, in about the year 1800, the Hamilton Oneida Academy was established, in Clinton Settlement, to which I was sent, in 1804, to commence an education, which I was obliged to give up, in consequence of the failure of my health and eyes; and, after a two years' vacation, spent a year in pursuing English studies, when I was *mis*-advised to enter upon the study of the law, and became a clerk in the office of Thomas H. Hubbard, in the Spring of 1809, reading as much as my eyes would admit, but spending most of my time in copying law-papers, until the January Term of 1813, when I had acquired sufficient law-knowledge to enable me to undergo and sustain the examination of Chief-justice Kent, in open Court; and commenced the practice of law, in this place, in 1831; and continued such practice fifty-five years, with-

* Probably Intended for Catskill.—Ed.

out acquiring sufficient celebrity to enable me to acquire much more property than necessary to defray the expenses of a somewhat numerous family. But, lest I become tedious beyond endurance, I will conclude by saying that I am traveling on the confines of time, about ready to launch into the unseen world, from whose "bourne" no "pioneer" or traveler ever did, or will, return, to make known the mysteries of eternity. But, thanks to the Supreme Ruler of the universe, we have a chart which, if rightly improved, under the great Captain of Salvation, will lead to that so ardently wished-for port. And again, through you, Sir, thanking the Committee for their courtesy, I subscribe myself,

Yours and theirs, most respectfully,

JOHN LOTTE.

J. G. K. TRUAIR, Secretary.

Letter of Mr O'Brien.

SALINA, September 2, 1870.

MR. H. C. VAN SCHAAK:—

DEAR SIR:—I have been absent for some days, attending camp-meeting near Fairmount, and on my return received your favor of 27th last month; and, as the day is so near when you are to address the Pioneer Association, I hasten to answer your inquiries. My mother's name is Catharine O'Brien, daughter of Isaac and Bata Van Vleck, of Kinderhook. She was ninety years old, 26th day of May last. She has all her senses (i. e. 5.) good. Her memory is much impaired as to the present. The past is her great enjoyment. The Word of God is her strong tower. Her prayer is fervent; and, by Faith, she holds on to the promise of her God. If she were to attend your Convention, and the carriage break, she could walk to the farm, a distance of five miles.

Mother has a friend and neighbor who was married in my grandfather's house, and who is two years the senior of mother, and in the enjoyment of her faculties. I think her father opened the Indian trail from Fort Brewerton to Salina. She is the daughter of Mr. Stephens.

We must improve the time if we secure reminiscences of the past. I am, respectfully,
yours,
O'BLENIS.

Letter of Luther Buell.

BUELLVILLE,

TOWN OF POMPEY, ONONDAGA CO., }

September 1, 1870. }

J. G. K. TRUAIR, SEC. PIONEER ASSOCIATION:—

DEAR SIR:—I have been greatly interested in the published accounts of former meetings of the early settlers and old residents of this County; and it would be a source of great gratification to me to be present at the contemplated meeting of "Pioneers," on the 6th instant, but the infirmi-

ties of age prevent. I am in the eighty-fifth year of my age—am a cripple, and blind—yet, by the blessing of God, I enjoy good bodily health. Having been a resident of this town and County seventy-one years last February, I think I may be properly classed with the living "pioneers." I will give you such incidents in my experience as may be of interest to some, and correct, perhaps, a few mistakes that occur in Clark's *History* as to the founding of your present flourishing city.

I was born May 11th, 1786, in the State of Connecticut, County of Hartford, town of Killingworth (now Clinton). In 1794, my father moved his family to Herkimer county, in this State, purchasing a farm of wild land, in a dense wilderness, extending North and Northeast, one hundred miles, to the St. Lawrence. Tow-cloth, at that time, comprised our clothing for both Summer and Winter. In the year 1795, Captain Punderson Avery and Shubal Safford, (my brother-in-law,) moved from Herkimer county to Pompey, locating one mile South of Oran. Ebenezer Wright and Captain Peck came to Pompey Hollow, one and a half miles Southeast of Oran, in 1798. They had to go, at that time, forty miles through the woods, to Whitesboro, to get their milling done. Soon after this, four Barnes brothers came in and settled near Oran. William Barnes and Joseph Hart lived South of Capt. Avery. Mr. Skinner was the next neighbor North of Safford; and was the grandfather of Dr. Skinner, of Amboy. Phineas Barnes settled between him and Oran. Joseph Bartholomew opened a tavern at Oran, in a log building, I believe. Thomas Lewis built a log house near where J. A. Scoville now lives. The first frame house in these parts was built by a Mr. Butler, and was kept for a tavern, nearly thirty years. The house is now standing and owned by my son. In 1797 and '98, Captain Avery and Safford built, for Butler, a grist-mill, with two run of stones, on Limestone-creek, near the falls, now owned by Samuel L. Edwards, Esq., which was a great accommodation to the inhabitants about here, and done a good business for a number of years. It afterwards went into the possession of Thaddeus M. Wood, who let it run down; and the place has since been called the "Old Mills." In February, 1799, when I was twelve years of age, I came to Pompey to live with Shubael Safford and learn the carpenter and millwright trades. In the Winter of 1813 and '14, I commenced the manufacture of carding-machines, for wool, in company with N. P. Stanton. The first machines built in Central New York, or rather in the State, of that kind, were built by us; we continued the manufacture, for several years. In 1814, we purchased the mill-site, at this place, built a dam, and put up a saw mill, and

woolen factory—frame 30x40—three stories above basement. In 1815, enclosed it, and commenced carding and cloth dressing. Put up dwellings and other buildings; and, soon after dissolving partnership, I built and put in all necessary machinery for the manufacture of broadcloth, cassimeres, and satinets. We made the first broadcloth made in this County, I think. In 1819, Messrs. Kellogg and Sabin, two eminent lawyers of this County, purchased several acres of land, on the South side of the canal, in your city, (then the village of Corinth), and had it laid out in village lots, by Judge Joshua Forman, who acted as their Agent. Shubael Safford and myself both entertained the idea that there would eventually be a city there; but were laughed at, by many persons, as visionary—the ground being low and swampy and climate unhealthy. At that time, there was the "Cossit House," North of the canal, where the Empire House now stands; the old school house, where Church-street now is; a grist mill and mill-house, on the creek; and several shanties, for laborers on the aqueduct, and Judge Forman's house and office comprised most of the buildings of the place. The Lodi Locks were in process of construction; and the ground broken for the canal through the place. Mr. Safford and myself called on Judge Forman for the purpose of purchasing the corner lot, where the Syracuse House now stands. We found the Judge's opinion and ours coincided as to the embryo city; and we purchased that lot and the adjoining one, on Genesee-street, for \$900—the first lots that were sold by Mr. Forman. He was anxious that we should put up the best hotel West of Albany, as he thought that would be an inducement to others to purchase lots and start a village. In April, 1820, we obtained a small house, about twenty-five rods South-east of the Syracuse House, in a clump of bushes and small trees, and employed Seth Spencer, of our place, to occupy it and keep boarders for us. We started a brick-yard near the Onondaga-creek, employing Pliny Hale, Norton Marvin, and Spencer, as brick-makers. We kept our teams drawing stone from Onondaga Hill; employed several hands to cut bushes, grubbing roots, and clearing the ground where we wanted to dig our cellar for the house. - We dug the cellar but two feet deep, as the ground was low. Then we struck hard earth on which to lay our stone and masonry. We employed a Mr. Berthrong, of Cazenovia, to superintend the stone masonry and lay up the walls, ten or eleven feet high. I think the building was forty-four feet front by thirty-five feet deep. We employed my brother, George Buell, and Mr. Wait, of Herkimer, to superintend the joiner-work. They also brought with them a journeyman by the name of Marvin. We built

a large barn and shed, also a boarding-house, the first year, in the early part of the season. The canal being finished to Montezuma, that year, Judge Forman and others planned for a large celebration on the fourth of July, it being the forty-fourth anniversary of our independence, the year of the completion of the canal through the place, and the birth-year, properly, of the city of Syracuse. The meeting was held in a grove, near the Syracuse House. Governor Clinton and other State officers came about ten o'clock, A. M., and thousands of persons, from this and adjoining Counties, came to hold jubilee on this memorable day for Syracuse. Several lots were sold, at that time, and buildings commenced soon after. We then employed Mr. Benjamin Horton, now of your city, to superintend the brick work; and our work went on rapidly for a month, when the typhus-fever began to rage. Mr. Spencer's family were first taken; then Mr. Wait, who died at my house, in Pompey, some ten days after he was taken down. The young man, Marvin, was also taken to my house, sick. Mr. Safford and wife were both prostrated. Mr. Pliny Hale sickened and died. My brother was sick at Herkimer. It was an awful time; no one could live in the place except those who had become acclimated. About the first of October, we began again with almost a new set of hands; and, for two months, pushed the work rapidly. We got three stories of brick-work up, ready for the plate; covered the walls, to keep off the snow; and all left for home, about the first of December. In the early part of May, following, we commenced operations again; and the first work was to lay the upper timber for the building. In doing this, Mr. Safford and his man, by the breaking of a board, fell thirty feet, to the cellar. Mr. Safford lived but a few hours. The young man recovered. I sent to Manlius, for Doctor Granger and for Mr. S's wife. Both arrived about an hour before his death. This was a great shock to us all! Work was suspended until after the funeral, at Oran; and I was then strongly urged by my friends to sell out and quit the place, but concluded to finish the buildings, which I did by the first of December following. We rented the hotel to a Mr. Jas. Mann, who occupied it for several years. Judge Forman expressed himself highly pleased with the building. The year 1821 was quite healthy. About two years after, Billy James Townsend & Co., purchased the unsold lots, and began rapidly to build the city, through their trusty agent, Major Burnet. By the digging of cellars and the filling up the streets, in the low ground, it raised the earth around our building, nearly to the top of the basement, and made the building appear too low. As the widow and minor heirs of my former

partner could not make any improvements, we concluded to sell the property, which I did to Townsend & Co. Mr. James told me, at the time of purchase, the house was too low; that he would take it down and put up the best house in the State. The present "Syracuse House" is the one built by that Company. Syracuse may then, Sir, be called a half century old; and, judging from the past and its naturally increasing advantages, who that may live to see its centennial anniversary, shall, in looking back to the present time, exclaim, "It was but in its childhood, then. May it ever retain its character as the 'Empire City;' and if it cannot be the 'city set upon a hill,' let it, at least, be the 'salt of the earth.'"

Yours truly,

LUTHER BUELL.

Letter from James Elliott.

TO THE PRESIDENT AND MEMBERS OF THE PIONEER ASSOCIATION OF CENTRAL NEW YORK.

I would like to be present in your meeting, today; but my increasing infirmities and failing powers will not permit me. When I first heard of your organization, as the survivors of the pioneer band that entered and subdued the grand County of Central New York, I wished to be with you, and hear you tell your experience. But I cannot. You must take the will for the deed. May your lives be long, and your shadows never be less. I was born in Bedford, Westchester-county, about forty miles from New York city. My father had bid off, at Albany, some lots in the Onondaga Reservation, in connection with Mr. Gideon Seeley, who helped survey it. He brought his family here, in 1801. We came with a team of three horses. I walked and drove one horse before the other two. I was twenty-one years of age. We entered the town of Onondaga on the old Genesee-road. We had been nineteen days on the road. The Canasaraga-hills came near being too hard for our faithful and fatigued steeds; but an occasional pull from a pair of oxen helped us through. When we came to Onondaga Hill there was only one frame house, owned and kept, as a tavern, by Squire Lord. As we drove up to the hotel, Esq. Lewis, who then lived in the Valley below, came to the door and says, "Elliott, 'you have got along; how many children have 'you got?'" Father says "Three." "Come 'in," says Lewis, "and take a glass of toddy;" and we did. We came some three miles West from the Hill, and put up at a log hotel, kept by Bildah Beach, the celebrated physician, who, in a few years, moved into Marcellus, where I suppose he doctored and cured a great many of the early settlers. He died only a few years ago, very aged and quite respected. The next day we went on to father's new home. We had rather

hard times, for some years. Our cattle had to run in the woods; and I have had to drive along my horses or oxen, through crooked paths, shown only by marked trees. We were much troubled for want of mills, bridges, and lumber.

Permit an old man to tell one story about wood-craft. I said our cattle pastured in the dark forest. One evening, my uncle, John Elliott, went, about sun-down, after the cows. He rambled, and called, and listened long for the sound of the bell, but in vain. The night came on, cloudy and moonless, till after midnight. He did not think of getting lost, for he knew that beech-trees had most moss on the North side. He continued his unsuccessful search till it got rather late. He finally heard some strange sound, and listened with some uncertainty. It soon seemed drawing near. It came so near that he supposed he heard the words, "Who's there." When the sound had been repeated several times, he thought it was a wandering, belated neighbor. At the next repetition, he responded, "John Elliott." Again the mysterious "Who's 'there'" rang out on his puzzled ears. With a voice slightly trembling, he replied, "John 'Elliott.'" He was so bewildered that he stood under a big tree till the moon should arise, and enable him to find his cows, and his way home. When the queen of night came up, it revealed to his astonished vision the big head and body of a white owl, and as big as a basket.

I have lived on the same lot, for more than sixty-nine years. I worked seven years for my father, who gave me fifty acres; and he sold me forty-eight acres more for twelve dollars an acre. I know not now a living man who came to Onondaga when I did. Judge O. S. Strong comes nearest to it; but he lives in Syracuse. I have become a stranger among new generations. A race whom I know not inhabits the lands I traversed in the prime of manhood. I have never married, have never sought or held office; but I have voted at nearly every election and town-meeting since the days of Governor Clinton and Thomas Jefferson. Please put down, among the pioneer farmers of your venerable and worthy Association, the name of JAMES ELLIOTT, of Onondaga, aged ninety-one.

Letter from John Keeney.

FABIUS, Sept. 4th, 1870.

TO THE PIONEER ASSOCIATION:

In April, 1795, Josiah Moore moved from New Hartford, in the State of Connecticut, and settled in the town of Fabius, Onondaga-county, N. Y., on the Chenang-road. The same year, Timothy Jerome and William Clark moved, and settled on the same road, in Fabius. During this year, Simon Keeney, Benjamin Brown, Gorden Woodruff, and Samuel Fox purchased the

entire lot No. 46, in the town of Fabius, and the following year, 1796, they, with their families, moved from East Hartford, Connecticut, and settled on the lot purchased by them, the previous year, thus forming a settlement, which was called Keeney Settlement, a name which it continues to bear at the present time. At that time, the road laid out by the State, and running from Chenang Point (now called Binghamton) to Salt Point, was the only road in the town of Fabius. These four last-named pioneers, with their families, were eighteen days, with ox teams only, in performing the journey from the home of their nativity to the home of their adoption, in this then wilderness township. On arriving at their new home, these four families, which consisted of the four fathers and their wives, and twenty children, moved into one log-house, rolled up by two men and one pair of oxen. This small domicile continued to be the place of residence of these four families, (numbering twenty-eight persons,) until the following season, when log-houses were built for each family. Of the twenty children mentioned, eight are still living. These families came into this County on the old State-road, running from Morrisville, through Cazenovia, to Pompey East Hill, where they took the Chenango-road, which they followed to a point about one half mile Southwest from the present village of Fabius, where they diverged from the road, taking a southeasterly direction, along a path indicated by marked trees, for nearly three miles, where lay their new home. On the sixteenth of October, 1797, I, the undersigned, was born, being the second child born in Keeney Settlement, and the fourth in the town of Fabius; and am now the oldest living person that was born in Fabius. On the twenty-fifth of April, 1788, Joy, a colored servant of Simon Keeney, died, being the first death in Fabius. His death was occasioned by drinking maple-syrup.

I, John Keeney, reside on the same farm I was born on; and never absent from the farm but two months at one time. JOHN KEENEY.

Letter from Leonard Caton.

TO THE CHAIRMAN OF THE MEETING OF PIONEERS OF THE COUNTY OF ONONDAGA.

I regret that my health will not permit my being present with you, at your Annual Meeting, to-day, in Syracuse, to contribute my mite to the reminiscences of the early settlers of the County. Although in my eighty-seventh year, it would give me great pleasure, once more, to see the few faces present, and to shake the hands that first opened the dense forest of Onondaga-county and cleared the way for the present multitude now holding commerce with the busy world. You will therefore accept this short note as from one that will

soon be with those whose voices cannot be heard, although their spirits may be present.

With my sympathies for your present, and all future meetings, I subscribe myself

LEONARD CATON.

GEDDES, Sept. 6, 1870.

To facilitate the election of officers, Messrs. Redfield, Clary, and Leavenworth were appointed a Committee to nominate officers for the ensuing year.

Subsequently, the Committee submitted the following Report which was unanimously adopted:—

President—Hon. Oliver R. Strong.

Vice-Presidents—Hon. Jedediah Barber, Cortland; Hon. Avery Skinner, Oswego-county; Hon. Abijah Fitch, Cayuga-county; Hon. L. H. Redfield, Onondaga-county; Rev. S. W. Brace, Oneida-county; Hon. Gerrit Smith, Madison-county.

Secretary and Treasurer—J. G. K. Truair.

Executive Committee—Dr. Lyman Clary, Hon. Thomas G. Alvord, Hon. E. W. Leavenworth, Hon. W. D. Stewart, Timothy C. Cheney, Esq.

The Committee also offered the following Resolution, which was adopted:—

Resolved, That the following gentlemen be invited to sit with the Executive Committee, during the ensuing year, as Honorary members:—

Hon. Alvin Bronson and Hon. Henry A. Foster, Oswego-county; Theodore S. Faxon and Ira Hills, Oneida-county; Gen. J. J. Ledyard and Gen. B. F. Bruce, Madison-county; Arthur Pattison and Zebulon Ostrom, Onondaga-county.

Hon. H. C. Van Shaack then delivered the following able and interesting address:—

MR. PRESIDENT AND GENTLEMEN OF THIS ASSOCIATION:

A residence of forty-three years in the County of Onondaga will scarcely entitle me to be ranked among the original pioneers of Central New York. That description would only apply to those early settlers who came here during the latter part of the last and the early part, or first and second decades, of the present century. If, however, I have a right to assert an ancestral claim in this matter, I could show a relationship with one of the very first permanent settlers of these regions, and a similar connection with several explorers and temporary inhabitants of the Onondaga country, long before the designation of Onondaga-county or of any of the adjoining Counties was known. This last connection dates back one hundred and fifteen years. Original documents to establish these facts are still in existence. They consist of letters, receipts, account-books, and various other papers written more than one hundred years ago, and bearing date at Oswego, at Fort Brewerton, at

Fort Stanwix, at the Onondaga Carrying-place, and at Fort Ontario, which was at Oswego, the oldest running back as far as 1754. To prove the genuineness of these documents, it will only be necessary for me to state that one of them, dated in 1768, says that, in driving some black cattle to the garrison at Oswego, one cow died on the way by the bite of a rattlesnake.

Henry Van Schaack, who was my uncle, was an officer in the old French and Indian War of 1755, and frequently traversed these regions, at that time. For about fifteen years after the close of that War, he was engaged in the fur and peltry trade, and had trading establishments at Oswego and Niagara. He lived to the age of ninety years and six months, dying at Kinderhook, in 1823.

Isaac Van Vleck, who married my father's sister, came to Onondaga, from Kinderhook, in 1792, and was among the first to engage in the manufacture of salt. He built one of the first frame houses erected at Salina. Mr. Van Vleck was a member of the first Grand Jury summoned for Onondaga county, after its organization, in 1794. He was also one of the first Assessors of the original township of Manlius, when that town embraced the present towns of Manlius, DeWitt, and parts of Onondaga and Salina. He was one of the first School Commissioners in Manlius; and he was made a member of the Committee of Safety, chosen in 1794, on occasion of the panic among the settlers caused by the belligerent spirit exhibited by the Indians in the northern and western parts of this State and in Ohio.

The first male child born in what is now Onondaga county was Abraham Van Vleck, a son of Isaac Van Vleck, born in 1792. Our late worthy and highly-esteemed fellow-citizen, Matthew Van Vleck was also his son. The late Mrs. Margaret McMechan, who died in 1859, at the advanced age of ninety years, at New Bridge, in this County, after a residence there of twenty-eight years, was his daughter; as is also that venerable lady, Catharine O'Blenis, of Salina, who is still living at the age of ninety. Mr. Van Vleck's descendants, in the first, second, third, and fourth generations, are still residing among us, and are eminently entitled to a place in this Association as descendants of one of our very oldest settlers.

Excuse, Gentlemen, the egotism and, perhaps, garrulity, which has led me to mention these facts. But, if I mistake not, such personal details come within the purview of the objects of this Association; and I am happy to have it in my power to connect myself, however slight or remote, with our early local history; with the original pioneers of Central New York; and with the aged men by whom I am surrounded. I am happy also to be able to show you that our

early explorers and settlers were not confined to New Englanders, but they also included sturdy individuals of Dutch ancestry.

You have seen that the first male child born in this region was of Holland descent. We know also that the early emigrants to this country, from Holland, had very friendly relations with our Indians, and often visited this part of the country to trade with them. The Dutch, as we all know, had "taken Holland," a long time before they established themselves in North America. They were deprived of their possessions, here, including the territory which we now inhabit, by some English Yankees, who came over from Old England, in 1664, and assumed dominion here, by superior force. To that dominion they yielded with a better grace than could have been expected; and we are assured by Chancellor Kent, that "the Dutch race, in this Colony, kept 'at least equal pace with their English brethren, 'in every estimable qualification of good citizens.'" That distinguished jurist further says that, at the time of the delivery of his discourse before the New York Historical Society, in 1828, there were "living in this State, in advanced 'life, three lawyers of Dutch descent, who are 'not surpassed, any where, in acuteness of mind, 'in sound law-learning, or in moral worth."

One of the great lawyers here referred to was Judge Egbert Benson, who presided in the first Court of Oyer and Terminer held in the County of Onondaga; and our local historian informs us that the Judge's Charge to the Grand Jury, on that occasion, was a very eloquent one. I knew Judge Benson well, he being one of my father's most intimate friends. He was a wise, able, learned, and upright Judge; and he, no doubt, in that Charge, gave a great deal of good advice and wise instructions as to how we ought to behave ourselves; and the observance of the advice of that good old Dutch Judge is, probably, one reason why we are now such a peaceable and orderly people.

And here allow me to repeat what has been stated, with great positiveness, by Hans Breithman, in one of his ballads, that

"Dere's a liddle fact in histry vich few hafe conderstand,
"Dat de Deutchers are, *de jure*, de owners of dis land."

You perceive, Gentlemen, that I am fully determined that the foothold which my Dutch friends gained in this part of the country, two hundred years ago, and so down to this day, and the example they have set us, shall not be entirely lost. We of Holland descent are resolutely determined not to be crowded out by the descendants of the Yankees of Old England or of New England, nor by anybody else.

In view, also, of recent occurrences in Europe, those of us who have German as well as Holland

blood in our veins are not disposed to relinquish any of our rights nor to cast aside any of our dignity.

And now, Gentlemen, although a residence here of forty-three years, running back to 1827, does not entitle me to be ranked among the early pioneers of this region of country, yet, such a residence, in connection with an age bordering on three-score years and ten, will, perhaps, give me some claim to a place in the outer circle of these old men. But I appear before you, at this time, not only as a member of this Association, but upon the invitation and by the appointment of its officers, to address you, on this occasion. You will allow me to say that I esteem it an honor to be called upon to discharge this duty, and it is to me a privilege and a high gratification to meet, in this place, on this interesting occasion, so many aged men who are intimately connected with our early history, embracing in the number some of those very individuals whose keen sagacity, high hopes, and indomitable purpose and industry propelled them, at an early day, to penetrate the extended wilderness of what was then known as "the West," and is now Central New York—men whom no discouragements, however great, and no obstacles, however formidable, and no privations, however severe, could arrest, in their manly labor and purposes, and who can now look with higher pride and satisfaction, upon the glorious results which have followed upon their early labors and untold hardships and sacrifices, as now exhibited, in this, one of the most lovely, the most productive, and highly cultivated and healthful regions, of any portion of the United States.

In the adoption of our Constitution, it became necessary to fix upon some date prior to which applicants for membership should have come to reside in Central New York. Although you fixed upon the year 1845, I doubt not that all of those now present who have come to this region within the last forty or fifty years, will freely concede, that to but very few, if any, of us is due that high credit for enterprise, resolution, and fortitude which so justly belongs to those who were the first civilized settlers of these regions, and to whom truly belong the honor and the name of *Pioneers of a Wilderness*. They, by their labors and sacrifices, paved the way for their successors. Their adventures and deeds presented to us an encouraging invitation to follow in their footsteps. They demonstrated the feasibility and practical usefulness of their explorations and the capabilities of the territory they had so resolutely invaded, and large portions of which they had actually opened to the genial rays of the sun, and subdued and cultivated, before they were followed by the second

class of emigrants. To this second class most of us here belonged; and, although we found much of this region new and even wild, yet thousands of acres were more or less improved, and a considerable portion of it was in an advanced state of cultivation. The principal highways and turnpikes now running through our towns and cities had already been laid out and traveled; and daily lines of stages had been established, running to the extreme western end of the State. The Erie Canal had also been nearly or quite completed, making our removal here comparatively easy. Flouring-mills were common and of easy access; and the stump-mill had almost entirely gone out of use, except among the few remaining Indians. Of very few, if any of us, later settlers could it be truly said, as is recorded of our early pioneers, that we emigrated here on pack-horses before any roads were constructed, following the Indian trails running through a wilderness, or guided solely by blazed trees; or that we came, at a later period, in sleds, or in cumbrous wagons drawn by oxen.

Most of us, Gentlemen, have but slight conception, from actual experience, of the numerous privations, anxieties, and hardships endured by the first settlers of this region of country. To those original and veritable pioneers of Central New York, we and our successors will ever be ready to accord our veneration and gratitude; and those few of them who still survive, we look upon and regard with feelings of the deepest interest and the highest respect.

When I look back upon the state of things, as they existed here, when I first passed through the country, in 1823, or at the time of my coming here to reside, in 1827, I can scarcely realize the wonderful extent of the changes which have since taken place, and the vastness of the advances and improvements which have been made since those dates, whether in population, in wealth, in the various departments of agriculture, commerce, manufactures and architecture; and in all those contrivances whereby the powers and productions of nature are subjected to human convenience or employed in the various activities of man.

But, when we contrast the situation of things, here, at the close of the last century, with that which now surrounds us, the changes are almost beyond the marvelous. Instead of dense and almost uninterrupted forests, with here and there a scattered cabin, our woodlands have mostly given way to thoroughly subdued and highly cultivated fields and gardens. Most of the swamps and morasses of 1799 have now become beautiful meadows, and many of them fruitful uplands suitable for growing grain. In place of log-houses and shanties, we have substantial

frame, and brick, and stone dwellings; and many of our people are erecting palatial mansions for private residences. The cold and forbidding buildings of that period, for public worship, are giving way to structures of gothic magnificence and taste; and high-schools, academies, and colleges adorn our villages and cities. The scythe and the cradle have, for the most part, given way to the sweeping mower and reaper. Instead of the slow operations of the flail, we have the driving threshing-machine. Instead of the ox-team and Pennsylvania cumbrous six-horse wagon, for transportation of goods and travel, we have the grand canal and the lightning railroad.

Time and language would fail me to mention, and much less to describe, all the advances, in civilization and in the conveniences and luxuries of life, which have been made, in this region, during the interval of time which I have mentioned; and I shall not, therefore, attempt it.

In nothing have these changes been so great as in the facilities for locomotion. When this part of the country began to be settled, it took about a fortnight for a Yankee to remove here from Connecticut or Massachusetts. Now, the same man could travel, on the rail, from the easternmost extremity of the State of Maine to San Francisco, on the Pacific coast, a distance of about four thousand miles, in seven or eight days. Could the earliest pioneers of Central New York rise, this day, from their graves, what would be their astonishment to witness such changes! How great would be their amazement to find that, through the medium of the submarine telegraph, from Europe to America, in connection with the overland telegraph, to San Francisco, intelligence can now be conveyed from Europe, under the ocean, to America, and thence across the continent, to the Pacific coast, a distance of six thousand miles, in a few moments of time. We can scarcely realize these grand results, ourselves. How much less could those from whom has been hidden those progressive advances in civilization and in human invention, which have been made by our countrymen in the last fifty years.

Marvelous as are the events and accomplishments of the last fifty years, there is reason to anticipate that they will be equalled, if not surpassed, by those of the next half century in our history. Problems of the gravest character remain yet to be solved; and time alone can disclose the manner and measure of that solution. As for ourselves, Gentlemen, we have reached a time of life which naturally leads us to look back, and to dwell, more particularly and with a fixed interest, upon the events of past days. We find a satisfaction in retrospection which others find in passing events. While the young are looking forward, with high and unbounded hopes and calculations, to the future, for the ac-

complishment and enjoyment of their cherished purposes and the consummation of their happiness, our minds are constantly recurring to past days; to the events and scenes of our early lives; to our early associations, trials, and deliverances; and to those occasions and events, identified with our past history and in which we were actors, which have left abiding impressions on our minds.

It is in the spirit of such feelings as these that we have come together, at this our annual meeting of old settlers, to "rekindle the Council-fire" and to strengthen the covenant-chain." It is in this spirit that we are all glad of an opportunity to take each other by the hand; to express the interest we take in each other's welfare; to renew old acquaintances; to drop the tear of sympathy; and to talk over the joys and trials of the olden time.

While we heartily rejoice, with all classes of our fellow-citizens, in the prosperity of our country and in the success of its institutions, as well as in the progress of civilization and the extension of Christianity, throughout the world, we claim the privilege of fixing our partial love and veneration upon what is, to us, the eloquent past.

"O! the world will never be again
"What it was when we were young,
"And shattered are the idols now
"To which our boyhood clung;
"Gone are the giants of those days
"For whom our bays we twined,
"And pigmies now kick up a dust
"To show the march of mind."

When you first came here, Gentlemen, you came to what was called "*the West*." But the West has been constantly receding, until there is not now any West left to be explored. Ohio and Indiana followed, and almost kept pace with western New York in becoming a peopled West; and then Michigan, and Illinois, and Wisconsin rapidly followed, and so on, successively, to the other States on this side of the Rocky Mountains. The discovery of gold, in California, then led our citizens to cross the Isthmus of Panama, or to double Cape Horn, or to take the overland route and cross the mountains, wending their way to the Pacific coast, where we have now a great and prosperous Commonwealth, whose rapid settlement has led to the further occupancy of the intermediate regions, between it and the old States. So that there is now no longer any West to go to. "The earth has been girdled by the moving caravans, and the original seats of the human race have been reached at last. East and West have met together; and the tide of movement has been turned. Across the long swells of the Pacific, the Caucasian and the Mongolian look each other in the face." China, with her surplus millions of population, is now invading our land; and the West has become the East.

Since our last meeting, the public of Central New York have been favored by the appearance in our midst of the Cardiff Giant. It is claimed, by some, that he is one of the very oldest settlers of these regions. I had the honor of an introduction to him, on his visit to this city, in the month of November last. I had no conversation with him, however, as he was lying down, at the time, with his eyes closed, and thus gave me the cold shoulder. I was the less disappointed by his profound silence, as I fully made up my mind, at the time, that he was either much too old, or else much too young, to be able to give me any interesting or reliable information in regard to that class of our "old settlers" with whom we are connected. But I have taken the pains to collect all that has been published in regard to his lordship, whether in poetry or prose, and have placed it in an octavo volume, which I shall preserve in my library, at Manlius, for future reference. I understand that his Honor, after receiving many marked attentions at "The Hub," has been spending the residue of the Summer, with our other great folks, at Saratoga Springs.

I have been in some doubt, Gentlemen, in regard to what is expected of the speakers who are appointed to deliver the address, at our annual meetings. If it is in the line of their duty to follow the course of Presidents and Governors in making recommendations of new laws and constitutional amendments for your consideration and action, I would mention that the idea has occurred to me whether there is not a defect in the Constitution of this Association. Ought we not to have introduced into it a provision for having, at our Annual Meetings, some practices of the old rough games of agility and strength, or some other gymnastic exercises. This is an age of great bodily activity and accomplishment, as well as of mental demonstration and elegant leisure. I have no doubt that some of us could, even at this late day in our lives, show to the world, probably to their great astonishment and admiration, that "some things could be done as well as others," by the old men of Central New York. I think that some of us, at least, could furnish proofs that we are not unworthy descendants of a tough and wiry ancestry.

Perhaps it would not be necessary to amend our Constitution, in order to provide for these exercises. An outside By-law would, probably, be sufficient to secure the desired object.

As to the character and shape which these demonstrations should assume, you can better judge than myself. Probably some such exercises as these would answer:—Lifting heavy articles, such as a barrel of salt; raising a barrel of cider from the ground, holding it out at arm's

length, then bringing it up to the body and taking a drink out of the bung-hole; or the exercise of "hop, skip and jump;" or a game at base ball; a trial at wrestling, or, perhaps, a rival walk, on foot, or a foot race.

These exercises would, no doubt, give us a good appetite for our dinners, and enable us to get the worth of our money.

In case you shall see fit to adopt this plan, I would suggest that, in deference to the officers of this Association, the first experiment and show-off should be made by them. I submit, however, that it will not be advisable to say much about it, in the papers, at present, for fear that some of our officers may resign before the day for trial shall come. I would venture also to make one more suggestion. As Father Strong, our worthy President, has got to be a pretty old man, and our Brother Cheney, one of our most efficient Committeemen, is rather a physically frail sort of man, I would recommend that those two gentlemen be excused from lifting the barrel of cider; but that, in consequence of their faithful services, as officers of the Society, during the past year, each of them be allowed to take one good drink of the cider, after it has been well watered. If Brother Stewart, of Chittenango Springs, was here, I would name him to water the cider by putting a trifle of brandy in it—only a trifle.

Among the "unfinished business" left at our last meeting, was the case of the Pompey bear. Perhaps I err in calling it unfinished business, for I believe it was admitted, on all hands, that the bear was really killed, and had thus *finished* his course and his barbarous proceedings. The real point in controversy, seemed to be whether that bear was killed in 1796 or in 1816. The gentleman who first called our attention to the history of this Pompey bear was, I believe, a clergyman, and he *ought* to be right; nevertheless, as we all know, clergymen are frail and dying creatures like ourselves. This gentleman confidently insisted that the bear in question was killed in 1796. On the other hand, two or three gentlemen as resolutely maintained that a final stop was not put to his career until 1816. Now here is a difference of twenty years in the time; and it must be admitted to be a matter of the greatest importance to the character of our ancestors, to us, and to the annals of correct history, to know, for a certainty, whether that bear was really allowed to destroy men, women and children, cattle and crops, and to do other mischief, for twenty years longer. Why, Gentlemen, if this was so, where was the heroism of the old settlers, all this time?

Now it is agreed, on all hands, that it was an extraordinary big bear—a mighty big bear—and we know that he has given rise to a great many

big stories. Both parties also agree upon the precise place of his being killed; being at or near Pompey Hill, in the County of Onondaga. These two circumstances strongly indicate that all the parties refer to the same bear. But there stands the obstacle of twenty years difference in the length of his life.

It must be admitted, that it was an act of humanity, in the clergyman referred to, in killing such a ravenous beast, in 1796, instead of letting him have a mischievous run for twenty years longer. He did a good thing; and I think it would be an unfortunate thing to spoil his story. Now, in order to reconcile, if possible, these conflicting statements, and, at the same time, to save the credit of our brave old settlers, as well as to put the whole matter right on the page of history, I think we shall have to come to the conclusion that there were, in point of fact, *two* big black bears, one killed at Pompey Hill, in 1796, and the other killed at the same place, in 1816; and that this last bear was a son of the other old bear, and looked so much like his father that the old settlers in Pompey, when they killed him, thought, at first, that he really was the old man himself come to life again; but when they considered, upon "sober second thought," that they had actually eaten up the old bear, twenty years before, and could not, very well, eat him up a second time, at least not in the same shape, they finally came to the conclusion that there were two different bears, and, probably, father and son.

This is the way, Gentlemen, that, after very deep study and consideration, I have cyphered out this matter. If any of you can do it better, I shall be perfectly willing to have you try it. I have brought to the investigation of the subject all the powers of my mind; and called into exercise my very best faculties. Still I may be in error; for I feel I am growing old like the rest of you; and my good wife has admonished me, several times, of my senility, by reminding me that I was repeating things I had mentioned to her a number of times before. But, after all, Gentlemen, I believe I am about right. If you shall agree with me in this opinion, I shall expect that my friend General Leavenworth, or Lieutenant-governor Alvord, will offer a resolution, during our present meeting, recognizing my version of this matter as the true one, and requiring that, henceforward, it shall be treated and regarded, through all future time, as the veritable history of the two big Pompey bears.

And now having disposed of the bears, I propose to say a few words about the lions.

You have all heard about "the Young Lion of the West," of whom it has often been said, that, when aroused from his lair, he was apt "to show his head instead of his tail." That was

a political lion; and we old settlers have nothing now here to do with politics. Neither do I now refer to lions who run upon all fours. Those lords of the forest never grew here. But I refer to those biped lions, who were the first to penetrate this then wilderness, for settlement. There was that gallant old lion, Asa Danforth, our great pioneer leader, who, as early as 1788, commenced felling our forests, and tilling our soil, and building log-houses, and, soon after, saw-mills and grist-mills, and driving away and killing the wolves and bears; all except that one big Pompey bear who kept out of the way until 1816, when some of General Danforth's men tracked him up into Pompey, and made short work of him.

Danforth had no sooner arrived here, than he called to his aid some hardy young lions, prominent among whom was that staunch, go-ahead pioneer, Comfort Tyler; and, soon after, those original pioneers of Central New York, were followed and sustained by such giants as James Geddes, Joshua Forman, Daniel Kellogg, Azariah Smith, and a long list of other remarkable men, of the same stamp, too numerous here to be named. Why, Gentlemen, I have never read any account, in all history, ancient or modern, sacred or profane, of young lions growing so fast and so big as they did, in those days, in these regions.

And was there ever an instance, in all prior history, of such a miraculous reduction of a wilderness into a garden, with such a rapidity of population, by a brave, generous, intelligent, and enterprising people, as that which has marked the progress of Central New York!

Why is it, Gentlemen, that, in a region which has been the theater of such extraordinary scenes, no commemorative monuments have been erected? Why is it that local pride has never placed in any of the parks of this thriving city, statues or monuments to such men as Asa Danforth, James Geddes, or Joshua Forman? Surely it is not because the labors of these remarkable men have not, heretofore, been appreciated. In the midst of the whirl of construction and progress, and of driving commercial pursuits, these things have probably been lost sight of. But the period has arrived when action in this matter is demanded, by a sense of gratitude, by just appreciation, by good taste, and by simple justice to the memory of our departed worthies and founders.

Let a durable monument then be erected to at least one of these worthies—to our great first pioneer, Major-general Asa Danforth. Let it be composed of native granite, taken from those hills which he was the first to reclaim and subdue. Let there be placed on it a just inscription, recognizing the enterprise, the fortitude, and the

many other virtues of the first permanent civilized settlers of these regions; with a prominent notice of our great leading pioneer. Let this monument be constructed under the auspices and direction of this Association, but with the aid and countenance of this entire community. Let it not be placed in any retired rural cemetery; but let its position be in a central and conspicuous place, in one of the parks or public squares of this rising city, where it will be in the constant view of citizen and traveler. Let the monument thus erected be dedicated with imposing ceremonies; with ceremonies worthy of the occasion, and worthy of the great County of Onondaga and of the extended fame of Central New York.

A citizen of the town of Manlius, in his history of Onondaga, has erected interesting biographical monuments to many of our early pioneers. The writer to whom we are indebted for these invaluable contributions to our local history, was my friend; but he is now no more. Death removed him from our midst, shortly previous to our last meeting. Another citizen of the town to which I have referred, will stand ready, if life shall be preserved, and no one more worthy shall be called to the task, to assist at the dedication of the *granite monument*.

It has been our good fortune, fellow citizens, to live in an extraordinary age. It is a remark, long since made, that "we are born too late to see the beginning, and we die too soon to see the end of many things." But, in our day and generation, we have witnessed as well the commencement as the completion of many very extraordinary works and marvellous projects. There are our grand canals, begun and completed in ten years. Railroads now traverse not only our own State but every other State and territory in the Union. Telegraph-wires convey intelligence, with lightning speed, throughout the land and under the sea. The Pacific railroad spans a continent, and completes a steam-belt around the world. A facile communication between the extremes of our republic is now fully established; and forests, mountains, and canons no longer interpose barriers to our intercourse. Our country is bounded on two sides, for many thousand miles, by oceans; and the ocean telegraph binds the Old World to the New.

Coincident with the completion, in our own country, of that grand achievement, the Pacific railroad, there has occurred, in a foreign land, an event scarcely less marvellous. The waters of the Mediterranean have been connected, during the past year, with the waters of the Red Sea, by that stupendous work, the Suez Canal, which has saved to commerce the circumnavigation of a continent. "Deep has thus been made to

"answer unto deep of the two seas earliest known to human history."

The projected inter-oceanic canal, to connect the Atlantic with the Pacific, if carried into effect, will supercede the circumnavigation of still another continent.

In view of the many astounding events and accomplishments, in the recent past, we may well hesitate to set bounds to our future progress. Our country has evidently entered upon a new career of development; and the desire for a long life to witness these new scenes naturally arises in the mind. But this knowledge will be denied to most of us; and this brings me, Gentlemen, to a subject which cannot fail deeply to impress us all. I allude to our necrology. It is obvious to us all that the number of our old settlers is rapidly diminishing. Of those who came into this part of the country previous to 1800, the number must necessarily be very small, and consists of those who were then very young in life. Of the two hundred and twelve reported as having attended the meeting of old settlers held here, in January, 1869, only twenty-one came to this country before 1800; seventy-one came in the first decade, and fifty in the second decade of the present century. This, of course, was not a perfect list, as numbers of our old early settlers were too old or infirm to be present at that hyemal meeting, and others were residing in distant places. Besides, that was a meeting for the County of Onondaga; and our present organization extends to Central New York, and includes, in its line of membership, all who came here to reside previous to 1845. But the impressive fact stares us in the face and cannot be avoided, that death is making rapid inroads into our ranks.

I cannot here avoid making special reference to the death, during the past year, of a remarkable lady who was most interestingly connected with our early pioneers—Mrs. Harriet Danforth Lee died, in this city, on the eighteenth of October last, in the seventy-fifth year of her age; having been born in the First Ward of this city, then Salina, on the twentieth of May, 1795. Mrs. Lee was a daughter of Major Asa Danforth, and the granddaughter of Major-general Danforth, our very first pioneer.

A still older native of our County died at Lockport, in this State, on the twenty-seventh of December last, in the person of Miss Sarah Morehouse, in the eightieth year of her age. She was born in the original township of Manlius, on the sixteenth of February, 1790, and was the second white female child born in the County of Onondaga.

In conclusion, Gentlemen, let those of us who may be spared make it a point to get together, at least once a year, to smoke the pipe of peace and brighten the chain of friendship. What-

ever, under Providence, our situations may be, let us endeavor to look on the bright side of life, and nourish and preserve, as much as we can, our once youthful feelings.

"Thank God, there are some who can play the child's part,
"Who bear age in the body, and youth in the heart."

This, it must be admitted, is a happy constitution of mind. It is an old saying, that "every time a man laughs, he draws a nail out of his coffin." The idea here intended to be conveyed, no doubt, is that cheerfulness is calculated to prolong one's life. Let us then improve the blessings we have. Although we cannot recall our former energy and youthful vigor, yet it may be in our power to do something towards securing a fresh and green old age. The maladies and infirmities of age are already upon many of us, and impending over all. Of not a few of us it can truly be said, the eye is growing dim and the step feeble. We are all in the autumn of life; and, like everything terrestrial, we too must pass away.

"The leaves of the oak and the willow shall fade,
"Be scattered around, and together be laid;
"And the young and the old, and the low and the high
"Shall moulder to dust, and together shall lie.

"So the multitude goes, like the flower and the weed,
"That wither away to let others succeed;
"So the multitude comes, even those we behold,
"To repeat every tale that has often been told.

"Yea, hope and despondence, and pleasure and pain,
"Are mingled together in sunshine and rain;
"And the smile and the tear, and the song and the dirge,
"Shall follow each other, like surge upon surge.

"'Tis the wink of an eye; 'tis the draught of a breath,
"From the blossom of health to the paleness of death,
"From the gilded saloon to the bier and the shroud,
"Oh! why should the spirit of mortal be proud."

Dr. Lyman Clary moved that the thanks of the Association be tendered to Hon. H. C. Van Schaack, for his instructive and valuable address; and that a copy be solicited for publication with the proceedings of the Association. Carried.

The dinner-hour having arrived, a recess was taken until two o'clock P. M.

AFTERNOON SESSION.

The Committee designated to prepare a Necrological List for the past year, submitted the following Report, which is as complete as they were able to make it:—

CAMILLUS.

In Detroit, Mich., Col. Alexander H. Redfield, formerly of this County, died Nov. 20, 1869, aged 64 years.

Asa Bingham, died January, 1870, aged 91 years.

CICERO.

Asa Eastwood, died February 25, 1870, aged 89 years. He was a resident of the County fifty-four years.

Mrs. Hannah Broughton, died July 28, 1870, aged 78 years.

Enchil Dennis, died August, 1870, aged 79 years.

CLAY.

John Phillips, died September 22, 1869, aged 72 years.

DEWITT.

Mrs. Sarah Morehouse, died in Lockport, Dec. 27, 1869, aged eighty years. She was the second female white child born in this County.

Mrs. Nancy Sherwood, died Feb. 21, 1870, aged seventy-four years.

Mrs. Thomas Seeley, died June, 1870, aged seventy-seven years.

Mrs. Theodosia Wilcox, died 27th July, 18 0, aged sixty-nine years.

ELBRIDGE.

Caleb Brown, died 30th July, 1870, aged sixty years.

GEDDES.

Mrs. Frances Clark, died 7th Sept., 1869, aged eighty-three years.

LAFAYETTE.

Morris Clapp, died Oct. 16, 1869, aged 69 years. He was a resident of the County fifty-five years.

Ichabod Smith, died Dec. 22, 1869, aged 100 years, 9 months and 12 days. He was in the County sixty-nine years. He felled the first tree and helped build the first log-house in the town. He was present at the meeting of this Association one year ago.

MARCELLUS.

Reuben Lothridge, died Aug. 2, 1870, aged 69 years.

ONONDAGA.

Samuel G. Clark, died September 21, 1869, aged 70 years.

In Little Falls, Miss Sarah Alexander died September 25, 1869, aged 78 years. She was a former resident of this County.

Miss Rebecca Adams died October 16, 1869, aged 79 years. Miss Adams was the daughter of John Adams, who formerly kept the Stage-House Tavern at the Valley, and was one of the oldest citizens of that village. She was the sister of Richard Adams, of this city.

Miss Rebecca Higbee, died November 20, 1869, aged 87 years.

Samuel G. Woodruff, died Dec. 15, 1869, aged 95 years. He was in the County 82 years.

Sterling Lansing, died Dec. 18, 1869, aged 77 years.

Horace Hitchings, died Jan. 8, 1870, aged 59 years.

At Onondaga Castle, Feb. 1, 1870, Jacob Farmer, better known as Jake, one of the principal Chiefs of the Onondaga Indians.

Mrs. Minerva Goodwin, died March 7, 1870, aged 66 years.

Olive Sampson, died March 15, 1870, aged 78 years.

Cicero Barker, died June 22, 1870, aged 76 years.

Giles Cornish, aged 82 years; in County 68 years.

George Loomis, aged 82 years; in County 65 years.

POMPEY.

Gerared Smith, died August 18, 1870, aged 90 years. He came from Connecticut, and lived 75 years on the farm on which he died.

SALINA.

Miss Barbara Phillips, died Oct. 11, 1869, aged 73 years.

Houkiat Goodrich, died March 31, 1870, aged 79 years.

SKANEATELES.

Mrs. Lucy Hatch, died the 28th of June, 1870, aged 78 years.

TULLY.

Samuel Wilson, died July 30, 1870, aged 69 years.

Isaac Van Wormer, died June 18, 1870, aged 88 years.

Mrs. Van Wormer, died June 22, aged 78 years.

Daniel Vail, died July, 1870, aged 76 years.

William C. Gardner, died Aug., 1870, aged 69 years.

VAN BUREN.

D. D. Norton, died Aug. 2, 1870, aged 72 years.

H. N. Howe, died Aug. 26, 1870, aged 72 years; resided in the County all his life.

SYRACUSE.

Mrs. McCarthy, widow of Hon. Thomas McCarthy, died the 12th of September, 1869, aged 72 years.

Gad. M. Lawrence, died the 12th of September, 1869, aged 72 years.

Mary Hodges, died October 13th, 1869, aged 73 years.

Roger Billings, died October 21st, 1869, aged 74 years, resident of County 30 or 40 years.

Jane McDougall, died October 21st, 1869, aged 84 years.

Mrs. Harriet Lee, died October 27th, 1869, aged 75 years. She was a daughter of Maj. Asa Danforth, and grand-daughter of Gen. Asa Danforth, one of the first white settlers in this County.

Mrs. Tacy Fargo, died November 9th, 1869, aged 70 years.

George B. Parker, died November 18th, 1869, aged 58 years.

Mrs. Amy Porter, died December 17th, 1869, aged 67 years.

Mrs. Paschal D. Thurber, died January 19, 1870, aged 62 years.

A. B. F. Ormsbee, died January 20, 1870, aged 65 years.

Dr. James C. Stuart, died March 25, 1870, aged 65 years.

Gen. Wm. H. Moseley, died April 3, 1870, aged 74 years. He was a resident of the County fifty-two years.

Willitt Hinman, died April 10, 1870, aged 66 years.

Adonijah Root, died April 14, 1870, aged 69 years.

In Burr Oak, Mich., Willett Raynor, died May 23, 1870, aged 71 years.

Mrs. Miles W. Bennett, died June 30, 1870, aged 66 years.

E. F. Wallace, died August 15, 1870, aged 78 years; in County forty-five years.

Mrs. Frances Bottom, died August 17th, 1870, aged 90 years.

REMINISCENCES.

A memorial of the late Samuel G. Woodruff, of Onondaga, who died December 15, 1869, was read by Norman Green.

"Samuel G. Woodruff, late of Onondaga, was born in Hartford, Ct., Dec. 3, 1773. In 1796, he married Miss Nancy Case; and, in 1798, he removed to Onondaga, then recently organized. His farm was covered by a dense and heavy growth of timber. Like his neighbors, he went into a log-house, and commenced clearing his land. It is believed, by his early neighbors, that he has actually chopped and cleared more land, with his own hands, than any other settler in Onondaga. A man of untiring perseverance and unity of purpose, he took an active part in building the houses, barns, and roads in this vicinity. The old Genesee-road crossed his land. When the Seneca Turnpike was incorporated, he freely gave the land necessary for the road, across his premises. He built, under contract, three miles of the road, between Onondaga Hill and Marcellus. He boarded several of the hands employed thereon. For many years, this turnpike was the main avenue and best road from Utica to Canandaigua,—nay, even from Albany and Buffalo. He had a realizing sense of the value of good roads, for he walked by the side of two yokes of oxen, from Connecticut to Onondaga. He never sought or held office above District Trustee, and Overseer of Highways.

"These trusts he fulfilled with fidelity and success.

"He truly was an honest man. He was a good father, a kind husband, a generous neighbor, a patriotic citizen. During his residence in town, for more than seventy years, he only failed to vote at town-meetings or elections five times. He was the most busy man we ever knew. He was ever unwilling to be idle. When he was no longer able to labor on the farm or in the woods, he would seek and find something to do in the wood-house, shop, or barn. In his ninetyeth year, he husked thirty bushels of corn in the ear, during a single day. A native of the wooden nutmeg State, he hailed, with gladness and hospitality, the visitant and emigrant that came from the home of his childhood. His last years were cheered by the filial ministrations of his son's family; and he sunk to sleep, calmly as an infant, December 15, 1869, aged 95 years and 12 days.

"Oft did his harvest to the sickle yield,
 "His furrow, oft, the stubborn soil has broke;
 "How jocund did he drive his team a-field,
 "How bowed the woods beneath his sturdy stroke.
 "Let not ambition mock his useful toil,
 "His homely lot, and destiny obscure;
 "Nor grandeur hear, with a disdainful smile,
 "The short and simple annals of the poor."

General reminiscences being the next thing in order, General Knox, of Oneida-county, said he came from Albany to the County, where he now resides, in 1811, and opened a store. At that time, it cost fifty cents a bushel to send wheat from that point to Albany; now it could be sent from St. Paul, Minn., for that price. He remembered stopping in Syracuse when the canal was being dug. He had been honored by his fellow-citizens by the conferring of positions of trust upon him. He had been a Trustee of Hamilton College, since 1828; held the commission of Brigadier-general, under General Van Rensselaer; was on the Republican electoral ticket, in 1864; had been President of the Oneida-county Bible Society; and had been a tee-totaler for many years. He would be eighty years old next May; and had not been absent from Church sixty times during all that period.

Mr. Younglove, of Trenton, remarked that he could remember when Indians and wild beasts were plenty in Oneida-county, and when the settlers suffered many hardships and deprivations. He said he was over seventy years old.

John Stevens, of Cicero, related an amusing incident concerning DeWitt Clinton, which he himself witnessed, and which showed that the great men of those days were as "full of fun," as those of the present.

Rev. Mr. Brace remembered the log-house which once stood on Onondaga Hill, to which allusion had been made as being a *frame* house.

He was confident it was built of logs, because he remembered it very well, having been there when a man who had hung himself, was cut down.

Dr. Preston, of Syracuse, witnessed a bear-hunt, many years ago, near Oneida Lake. He thought that valuable lessons could be learned from the venerable men assembled at the present meeting of the Association. He spoke of the equinimity of temperament possessed by the late Luther Buell; and expressed a belief that the longevity of that gentleman was attributable to his calmness of temper.

General Lawrence, of Syracuse, thought that it behooved all to grow old gracefully, and thus lengthen their days. He knew it was frequently hard for old age to bear the ills of life; but the exercise of a patient spirit was commendable and essential to long life.

Mr. White, of Camillus, said his father was one of those men who had great equinimity of mind.

General Leavenworth, of Syracuse, called the attention of the Association to the custom for each member to annually pay the sum of one dollar into the treasury, for contingent expenses. He said a valuable lot had been set aside in Oak-wood Cemetery, for the burial of members of the Pioneer Association. He alluded to the fact that no headstones marked the graves of General Danforth and wife. The officers of the Association intended to remove the remains to Oak-wood, at no distant day; and funds would be needed for that purpose. He offered a resolution, which was adopted, that the Executive Committee be requested to obtain photographs or engravings of the early settlers of Central New York, to be preserved in the rooms of the Association.

Rev. Dr. Eddy, of Syracuse, offered a resolution that the Executive Committee be empowered to provide rooms for the Association. The resolution was adopted.

General Lawrence offered the following resolution which was adopted:—

"Resolved, That the President, Vice-Presidents, Secretary, and Treasurer of this Society, be, and are hereby directed, to have a consultation, as soon as practicable, whether the bounds of this organization be continued to embrace Central New York, or whether it would not be better for all concerned to confine each Society to their respective Counties. And in case the latter course should be adopted, said Committee take the proper measures for such separate organizations, and for the amendment of the Constitution, in this respect, to correspond with such new organizations."

There being no further business before the Association, it adjourned *sine die*.

III.—FLOTSAM.

[These scraps have been picked up in various places and brought to this place, "as they are," without any voucher for their correctness and with no other object than to secure for them the attention of our readers.

We invite discussion concerning each of them; and if any of them are incorrect or doubtful, we invite corrections.—Ed. His. Mag.]

A FOSSIL TOOTH OF AN EXTINCT HORSE IN IREDELL-COUNTY, N. C.

About twenty years ago, a little boy, by the name of Alexander Steele, now living, the son of Richard Steele, ten miles East of Statesville, N. C., while crossing a little branch, on the way to school, discovered a fossil bone, about twenty inches long, one half of the lower jaw of a horse, with the teeth still in it. This was taken home and carelessly thrown down: no one thought it of any value or much of a curiosity.

The bone has, therefore, disappeared, and all the teeth, except one of the grinders, from about the middle of the jaw, and, perhaps, one of the incisor teeth, which we have not seen.

The one we have preserved weighs three-ounces; is slightly curved; is three and three-eighths inches long, on the convex side, and three inches on the other. On the outside, there are two deep grooves, a quarter of an inch deep, and four or five small ones, on the inner side. The grinding surface of the upper and larger end is about one inch square; and it gradually tapers down to three-fourths of an inch, at the lower extremity, without any fork or prong. At the base, are four orifices for the entrance of the nerves.

The enamel is entire; and it is in as good state of preservation, as if the animal had died last year. The deposit from the food and saliva of the owner is still adhering around the upper part.

When did such a horse roam over this country? The Indians who preceded us here had none. "Historical records show that, up to 1632, there were no horses in New England; and their introduction into New Netherland, now New York, occurred during the administration of Governor Van Twiller, in 1638-38. Trumbull's *History of Connecticut* mentions the horse as accompanying emigrants from Massachusetts to that State, October 15, 1636. The first horse seen in Canada was brought to that country, from France, in a ship that arrived at Tadoussac, June 20, 1647."

A similar tooth of an extinct race of horses, but not in as good state of preservation, is figured in Emmons's *Manual of Geology*, found in Granville-county, North Carolina, more than one hundred and fifty miles North-east of where this was found.

According to Dana—*Text Book of Geology*, 215-216—the bones of the horse are found in the upper Mission region, in the Miocene, and in the Pliocene beds.

They are found in the Post Pliocene fossils of South Carolina, and figured by Holmes, from Leidy, in Plate xv., as *Egnus Fraternus*.

These horses were probably contemporary with the Mammoth, Mastodon, etc., whose bones are found buried in the mud of marshes, in some parts of the country. There seems to be some quality in the water to preserve animal substances, in places of this kind, like peat bogs.

It is a singular fact that this tooth was found near the spot where an old Spanish coin, a half doubloon, of the reign of Philip IV., 1621-1665, was picked up, in a cornfield, by a negro woman, hoeing corn, a few years ago. There are many mysteries connected with the past history of this country that we cannot explain.

The mica that is now quarried out so extensively in our mountains, was also obtained from the same places, by the mound-builders of the West, before the days of the Indians—before the knowledge of gunpowder, before glass was known, *here*—which is found abundantly in the most ancient ruins of Babylon—by a people who, so far as we know, had no iron tools. E. F. R.

GENERAL JOHN B. MAGRUDER.—This old warrior sleeps the sleep of a soldier, in a rude Texas grave, over which there is no monument. The grass was growing about it, in the early Summer; and there were some flowers there, withered and faded, scattered by a woman's hand. A votary at the shrine of nature and a finished diplomat at the Court of Venus, it was fitting that there should be *largesse* of green-growing grasses and love-flowers. If roses are the tear-drops of angels, as the beautiful Arab belief puts forth, in poetry, then is the lowly mound a hallowed spot, and needs not the sculptured stone, the fretted column, the ivy, and the obelisk.

Magruder was a wonderful man. He stood six feet four inches in height, and had a form men envied and women adored. His nerves were all iron. Foreign travel and comprehensive culture had given to his wit a zest that was always crisp and sparkling. He never lacerated. To the sting of a repartee he added honey of the clover. He could fight all day and dance all night. In the morning, a glass of brandy and a strong cigar renewed his strength, and caused the cup of his youth to run over with the precious wine of health and high-spirits. He loved magnificent uniforms, and magnificent horses, and magnificent women. Gifted and graceful,

in conversation, he was a poet in the boudoir, and a logician in the barracks. He had studied French, in Paris, Italian in Rome, and Spanish in the halls of the Montezumas. The sabre exercise he learned from a Turk. His horsemanship was of the English kind, that is to say, not graceful, but impossible to be surpassed for firm riding and endurance. He wrote little love-songs that were set to music—one of them, "Imogene," had in it the plaintive melody of a lover, and the sad rhythm of buried bugles.

In the Crimea, he astonished the French officers by sleeping at the front, with Chasseurs, under fire. In Mexico, he sent back to the Archbishop, a lady's perfumed glove he had found in his palace, when the city was won, and with it a note which read: "It is pretty enough to have belonged to a Queen. Would she have pardoned 'ed me if I had appropriated it?" As the Archbishop sent him, the next day, a basket of delicious wine, it is supposed that the fair owner of the glove must have looked leniently upon the handsome American soldier. Later, he was riding with General Scott down the long street of Iturbide. General Garnett joined them; and Magruder drew a little back for his superiors to confer together. A white puff of smoke curled out from an open window; a sudden report followed, speedily; and Garnett and horse fell hard and bloody. An ounce ball, intended for Scott, had broken Garnett's thigh and killed his charger. Fearing another fire, Magruder galloped to the side of his chief and covered his body with his own. The old man's eyes never drooped, nor his voice changed an intonation. "How 'long will it take you to batter down that 'house?" he spoke, curtly, to Lieutenant Magruder, pointing with a sweep of his finger to the one nearest, and from which the bullet came. "An hour, by the watch, General." "Then open 'fire, at point-blank range; and leave not one 'stone upon another!" It was done, and those who saw Magruder soonest afterwards noticed that he had another bar on his epaulets—he had been made a Captain. War was his element, the bivouac his delight, and the battle his perfect happiness. Reckless, prodigal, fashionable, foolishly brave, sometimes, a spendthrift, generous, true friend, and staunch comrade, the surrender of Appomattox made him an aged man in his prime, and wrinkled the features which had before resisted all the attacks of time.

One who wandered far and long with him, in other lands, in sweet and sunny weather, relates how, from Vera Cruz to Chapultepec, he went with Magruder all over the battle-fields of the Mexican War. The light came back to his eyes and the fire to his face when telling of Contreras and Cherubusco, and Perote, and Molino del Rey, and the Belen Gate, and Che-

pultepec, and the City of Mexico. His talk never ended of Scott and Twiggs, Wool and Worth, Smith and Pillow, Taylor and Quitman, and all the young subordinates who afterwards played such bloody parts in the greatest of American dramas. Of McClellan, he told this incident among a thousand: "The fire from the 'hill of Chapultepec was terrible. Fifty pieces 'of heavy artillery were massed against my 'fourteen battery at a point-blank range; and, in 'the valley, below, a Regiment of Lancers were 'forming for a charge. Our fire had been 'slackened, and the men were lying down. A 'young man sat beside one of the guns, amusing 'himself with picking up pebbles and shooting 'them out from his hand. The Lancers came 'nearer. I called to the young officer, whom I 'had noticed, and he sprang up, saluting: "'Your name?' 'Lieutenant George B. Mc-' 'Clellan.' 'Very well, Lieutenant. Take 'command of one of these guns and disperse 'those Lancers.' The gunners rushed to their 'pieces. All the great cannon around Chapultepec went to roaring, The battle began anew. 'Worth was sweeping up the activity, the Lanc-' 'ers were routed, and the next I saw of McClellan, he was smoking a cigarito in the palace 'of Santa Anna, his face as black as a powder-' 'keg, and an ugly wound in his arm."

What a book his life would make in the hands of some men. He once intended to write an autobiography. Whether it was begun or not, we do not know—most certainly it was never finished. The brave, fond heart is pulseless now. The form of the stalwart soldier is dust in its far-away grave. The laurels that he gathered and wore so well are faded and gone. Back from the unknown land no voice will come to tell of what rank he takes in the spectral columns, closed up and silent, waiting the resurrection-day. Yet God deals gently with a soldier. When he is brave, and noble, and courteous, and merciful, he has those attributes which assimilate heaven, and, therefore, is he fore-ordained to happiness after death. It may be late in coming; the bivouacs are right cold and dreary, we know, for some; but, after the night the morning; and after the Judgment-day the New Jerusalem.

THE OLDEST SUNDAY SCHOOL.—I find the following paragraph in a newspaper, which I send you for correction:

"THE FIRST SABBATH-SCHOOL IN AMERICA. —There has been a discussion in the religious 'papers of the United States as to the time and 'place of the establishment of the first Sabbath-' 'school on this Continent. The result of the 'discussion is indicated by *The New York Evan-' 'gelist*: 'Doubtless the honor belongs to the

“Rev. Burr Baldwin of Montrose, Penn. He
“commenced his school on the first Sabbath in
“May, 1815, in the old Newark Academy, New
“Jersey. Mr. Baldwin, it appears, is still
“living, and in the eightieth year of his
“age.”

Six years before the time above stated, as early as the Summer of the year 1809, there was instituted a Sabbath-school in what is now the city of Pittsburgh, Pennsylvania, originating among the members of the Presbyterian Church, there, then under the pastorate of a Rev. Mr. Steele, an Irish Clergyman, who had emigrated to the United States, and settled in that town. Among the active co-operators in that school, was my father, the late Samuel Allen of your city, then, with his young family, of which myself was the eldest, a resident there as a merchant. The first school was opened in the Court-house, situated in Market-square; and myself, a small boy of nine years old, was one of the A B C teachers, on the day of its opening; and I so continued in that humble capacity during the Summer and into the early Autumn. I recollect the time and circumstances as distinctly as any event of yesterday. The school was got up with decided zeal and enthusiasm, on the part of those ladies and gentlemen who took a share in it; and it engaged as teachers some of the sons and daughters of several of the most influential citizens of the town. The school was a motley collection of ignorant, uneducated young men and women, besides many children who did not know the alphabet; and, in my own class, I remember a full grown man who, some time before, had a piece of his nose bitten off in a street-fight with his antagonist. The poor fellow had probably come to the conclusion that getting the rudiments of education was better than to continue the rough-and-tumble life he had before pursued. There was no distinction of color made among the scholars, both black and white being admitted on equal terms.

Leaving the town, soon afterward, for the East, I know nothing of the progress of the school from that time, forward, but have supposed it to be continued under the auspices of Mr. Steele's congregation, and so, perhaps, to the present time, together with the various other Sunday-schools which have been instituted by the churches at large. I only mention the above facts that the origin of Sunday-schools may be properly recorded, in their history, in the United States. I do not know that the Pittsburgh Sunday-school was the *first* of the kind in this country; but what I have stated is the fact, and there may be some among the still living people of that city who may also recollect it.

Truly yours, LEWIS F. ALLEN.

WHAT MR. LINCOLN ACTUALLY WROTE.

TO THE EDITOR OF THE NEW YORK TRIBUNE:

SIR: In the *New York Times* of this date, in an article entitled “The Peace Conference,” there is a statement as follows:

“Mr. Lincoln, weary and disgusted with the whole affair, sent on Major Hay with an open letter to deliver to the Rebels, in Mr. Greeley's presence, repeating exactly the conditions contained in the President's letter of the 9th.”

The letter thus delivered by Major Hay, in Mr. Greeley's presence, was subsequently given to Mr. William H. Appleton by Mr. Holcombe, who received it from Major Hay. It is now in a frame, in Mr. Appleton's office. It says much more than to repeat “exactly the conditions contained in the President's letter of the 9th,” and is as follows:

“EXECUTIVE MANSION,

“Washington, July 18, 1864.

“To whom it may concern:—Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of Slavery, and which comes by and with an authority that can control the armies now at war against the United States, will be received and considered by the Executive Government of the United States, and will be met by liberal terms on other substantial and collateral points; and the bearer or bearers thereof shall have safe conduct both ways.

“ABRAHAM LINCOLN.”

The whole correspondence on the occasion may be found in the *Annual Cyclopædia of 1864*, and should be read by all who desire to comprehend the noble and disinterested position occupied by Mr. Greeley in the affair.

A FRIEND OF PEACE.

How BISHOP POLK WAS KILLED.—An ex-Confederate, writing for the *Westminster Review*, gives the following account of the death of the Bishop-General: “The death of the distinguished man occurred while our army lay in front of Kenesaw. Johnston, with a group of officers, among whom was Polk, making a reconnaissance of the enemy's lines from the summit of the Pike-mountain, a lofty, solitary mount, which jutted out from the range and formed the apex of an acute on which our line was arranged. The situation was a very hazardous one, being commanded, or rather reached, by guns from any portion of the enemy's lines. The unusual assemblage, in such a conspicuous place, soon attracted the vigilant enemy. A battery in front immediately fired one shot, which we afterwards found out was but the prelude to one of the most fearful shellings I ever witnessed. The group was

"standing between young Beauregard's Battery
 "and the fifth Company of Washington Artillery, Johnston being on the works, looking
 "through a field-glass. The first shot could not
 "have missed him two feet, but the only attention he paid to it was to turn his glasses to the
 "battery that fired it. Polk had, in the meantime, separated from the group and was walking
 "thoughtfully away, with his left side to the enemy, his head down, and his hands clasped
 "behind him. The second shell fired at the
 "crowd struck him in the arm and passed
 "through the body, tearing out his heart and
 "then crushing his right arm above the elbow.
 "He dropped on one knee, wavered, then fell
 "on one side. I had hardly turned my back
 "when I heard the murmur of horror run
 "through the line, 'General Polk is killed.'
 "Johnston said not a word; but ran to him and
 "lifted him in his arms. Hardee uttered a cry;
 "and also rushed forward. He was past all
 "human help. The members of his Staff tenderly
 "lifted and bore him from the field."

THE SEAT OF GOVERNMENT.—In the years 1831 to 1834, the United States frigate *Potomac*, which was built at the Washington Navy-yard, circumnavigated the globe. The staunch ship was commanded by Commodore Downs, whose Secretary was the accomplished Reynolds. The latter wrote a very interesting volume, containing an account of the cruise. From its opening pages, I extract the following interesting historical facts and traditions, which are of local interest:

"It may be mentioned as a curious coincidence, and a fact not generally known, that
 "the present permanent seat of our National
 "Legislature is contiguous to the very spot
 "where, formerly, were lighted the council-fires
 "of the Powhatans, the most prominent, numerous, and powerful nation of red-men in
 "Virginia, and on the banks of the Potomac
 "extending from the shores of the Chesapeake
 "to the Patuxent. This people lived under
 "a royal Government, their despotic monarch
 "being the father of the celebrated Pocahontas.
 "The valley at the foot of Capitol-hill, washed
 "by the Tiber-creek, the Potomac, and the
 "Eastern Branch, was, as we are informed by
 "tradition, periodically visited by the Indians,
 "who named it their fishing-ground, in contradistinction
 "to their hunting-ground. Here, the tradition adds, the aborigines assembled,
 "in great numbers, in the vernal season, for the
 "double purpose of preserving fish and consulting
 "on the affairs of the nation. Greenleaf's
 "Point was their principal camp and the residence
 "of the Chiefs, where Councils were held

"among the various tribes thus gathered together. This tradition was doubtless familiar
 "to Washington."

SCRAPS.—While the Rev. Dr. Wilkins, Rector of the Episcopal Church, in West Chester, N. Y., was at breakfast, on Christmas morning of his eightieth year, a parcel was brought to him accompanied by a short poetical note, in a female handwriting, as follows:

"Affection's gifts are rare;
 "May this one not intrude;
 "It shows for all your pastoral care
 "The fair ones' gratitude."

On being opened, the parcel was found to contain a new suit of clerical robes, sent to him as a present of the season, by the ladies of his Congregation. He pushed aside his cup of coffee; called for pen, ink, and paper; and, at once, wrote on the breakfast table the following rhymed reply:

"In all your trials and your cares,
 "Expect your faithful Pastor's prayers,
 "And, for these comely robes to dress in,
 "Accept your Pastor's thanks and blessing."

—The original manuscripts of the Declaration of Independence and of Washington's Commission, now in the United States Patent Office, at Washington, D. C., are said to be rapidly fading out, so that, in a few years, only the naked parchments will remain. Already, nearly all the signatures attached to the Declaration of Independence are entirely effaced. Surprise has been expressed that no effort has been made by the United States Government to save those documents, as it is understood that the British Museum is constantly restoring old manuscripts to their original condition.

—A correspondent of the Indianapolis *Evening Journal* contends that the first school ever taught in Kentucky was opened in 1779, at Boonsborough, by Joseph Doniphan, father of General A. W. Doniphan of Missouri. Joseph Doniphan was a Justice of the Peace in 1786 and 1787, and his docket for those years is now in possession of his grandson, W. Doniphan Frazee, of Indianapolis. In it are ten or a dozen suits in which George Washington is Plaintiff.

—It is said that Davy Crockett's marriage-bond has been deposited in the State Library of Tennessee. Of his signature, which is attached to it, we give herewith what we suppose to be a *fac simile*: X.

IV.—BOOKS.

RECENT PUBLICATIONS.

[Publishers and others sending Books or Pamphlets for the Editor of THE HISTORICAL MAGAZINE, are respectfully requested to forward the same, either direct to "HENRY B. DAWSON, MORRISANIA, N. Y.," or to Messrs. CHARLES SCRIBNER & Co., Bookellers, 654 Broadway, New York City, as shall be most convenient to them.]

A.—PRIVATELY PRINTED BOOKS.

1.—*A description of the Dedication of the Monument erected at Guilford, Connecticut, in honor of Fitz-greene Halleck.* Privately Printed for the Committee, by D. Appleton and Company, of New York. 1869. Octavo, pp. 89.

Halleck died and was buried; and, in this neatly-printed pamphlet, we find the record of the public dedication of an obelisk which was erected to his memory, two years ago.

The pamphlet opens with a description of the monument and a list of the names of those by whose liberality the monument was erected; and these are followed by the notes of apology from those who were invited and could not assist in the dedicatory services. Then follows a report of the proceedings—including Mr. Chittenden's introductory remarks; the opening sonnet, by Mr. George Hill; the reading of Halleck's *Connecticut* and Doctor Oliver Wendell Holmes's *Elegiac* lines; and the dedicatory Address, by Bayard Taylor—and, what will surprise many, a series of well-written and appropriate verses, written on the occasion, by Mr. Benjamin H. Field, the widely-known and as widely-respected merchant of Water-street, New York, follows.

To every one who is interested in the history of American literature, this neatly-printed pamphlet will be very welcome; collectors of Connecticut "locals" will desire to add it to their collections; to others, the evidence which it affords of the taste and skill, as a writer of verses, of our friend, Mr. Field, will not be its least recommendation to favor.

It is very neatly printed; and a wood-cut of the monument faces the title.

B.—PUBLICATIONS BY SOCIETIES.

2.—*A Paper on the Number, Locality, and Times of Removal of the Indians of Wisconsin;* with an Appendix containing a Chronology of Wisconsin, from the earliest times down to the Adoption of the State Constitution, in 1848. By I. A. Lapham, Levi Blossom, and Geo. G. Doussman, a Committee of the Old Settlers' Club of Milwaukee County. Milwaukee: 1870. Octavo, pp. 87.

We have no information concerning the occasion which called this paper into existence; but we are a willing witness of the thoroughness and good judgment with which the Committee has executed its designated duty.

The paper opens with a description of the Indians who have inhabited Wisconsin, as far as that subject is known to modern writers;

and, following, are carefully-collected details of the history of the several tribes, their migrations, and what has become of them; the whole concluded with an earnest protest against the policy of treating the tribes as so many independent nations and as earnest a demand that there shall be equality before the law, for Indians as well as negroes.

The Appendix contains, *First*, a list of the different names by which the Indian tribes of Wisconsin have been known; *Second*, a list of Treaties affecting the residents of the region now known as Wisconsin; *Third*, a Chronology of Wisconsin, from the beginning to 1848.

It is one of the most important of Western locals; and its value, as an authority, seems to be unquestionable.

3.—*A Historical Discourse delivered at the Fiftieth Anniversary of Colby University, August 2d, 1870.* By J. T. Champlin, President. Waterville: Published by vote of Trustees. 1870. Octavo, pp. 80.

Colby University dates back to February, 1813, when, by an Act of the General Court of Massachusetts, it was called into legal existence as "The Maine Literary and Theological Institution;" endowed with a township of land; and ordered to locate within the township thus donated to it. This township is now known as the towns of Alton and Argyle, on the West side of the Penobscot, fifteen miles above Bangor. In 1816, it was authorized to settle elsewhere than within its own wilderness; was located, in view of a promised five thousand dollars, of which three thousand have not been paid, in the town of Waterville; and, in May, 1818, it commenced its honorable career of usefulness. In 1820, its name was changed to "Waterville College;" subsequently—we do not know the date—its name was again changed to "Colby University," which it still retains. It is what may be called a Baptist institution—its management being in the hands of Baptists—and it has pursued the even tenor of its way, these fifty odd years, with fidelity and honor. It has resorted to no clap-trap to secure popularity; and a solid education of its students rather than a flashy superficiality has been its aim, from the beginning.

The record of its career of usefulness is in the tract before us, in which the President of the institution has briefly narrated the struggle through which it has attained its present distinction; and he has also presented, therein, the personal virtues and official usefulness of those who have served it, as officers, during the first fifty years of its existence. It is a fit memorial of the past, and will serve, in the future, to those who shall read it, as an incentive to renewed labors and greater results.

4.—*Minutes of the Sixty-first Meeting of the General Association of New Hampshire, held at Milford, August 23-25, 1870, with the Sixty-ninth Annual Report of the New Hampshire Missionary Society.* Concord: McFarland & Jenks. 1870. Octavo, pp. 125.

The annual meeting of the General Association of orthodox Congregational Churches in New Hampshire is duly recorded, as are the various Reports presented at that meeting, in this volume; and we have, therefore, in it, all that is known of the history of that denomination, during the preceding year. As the record of the leading denomination of Christians, in New Hampshire, therefore, it is a volume which possesses considerable interest, both within and without the membership of that denomination.

5.—*Third Annual Report of the Wilmington Board of Trade, for the year ending October 31, 1870.* By George W. Stone, Secretary. Wilmington: 1870. Octavo, pp. 54.

This tract is devoted to a description of the capacity, for business purposes, of the little town of Wilmington and to a discussion of measures and improvements which are considered necessary to enable the residents of that town to draw thither the business which, they say, ought to be done there. It is entirely unlike the greater number of such Reports, in this, that it presents but few statistics and claims no particular accomplished results; it looks rather to the future than to the past; and it hopes rather than brags.

6.—*Twenty-second Annual Report of the Cincinnati Chamber of Commerce and Merchants' Exchange, for the fiscal year ending August 31, 1870.* *Sine loco.* [Cincinnati?] *sine anno* [1870?] Octavo, pp. 182.

A most elaborate record of the manufactures, the trade, and the wealth of Cincinnati, during 1869-70, contrasted, very often, with the records of the same matters, in former years.

It is a most important local; and the labor expended in its preparation for the press has been immense.

7.—*Essex Institute Historical Collections.* Volume X. Part II. Salem: Essex Institute Press. 1869. Octavo, pp. 107.

Essex Institute Historical Collections. Volume X. Part III. Salem: Essex Institute Press. 1870. Octavo, pp. 108.

These two parts, stitched in the same cover, complete the tenth volume of this excellent work; and we have pleasure in receiving them.

The first-named is occupied, entirely, with a genealogy of the Hutchinson family, and the last-named with Captain Preble's history of the frigate *Essex*, including the Journal of Captain Edward Preble and other papers of great value, as materials for history.

There are few works which are as deserving as this; and, although it is in arrears, in its publication, as the HISTORICAL MAGAZINE is, it is always full of good things and, therefore, whether early or late, always welcome.

8.—*Historical Discourses delivered on the occasion of the one hundred and fiftieth anniversary of the Upper Octorara Presbyterian Church, Chester County, Pennsylvania, September 14, 1870,* by J. Smith Futhey, Esq. With an account of the Celebration and an Appendix. Philadelphia: Henry B. Ashmead. 1870. Octavo, pp. 184.

The Scotch-Irish element of the population of Pennsylvania has become noted in history; and this beautiful volume, from the pen of our honored friend, J. S. Futhey, Esq., of West Chester, is an addition to the literature of that notable subject.

The Upper Octorara Presbyterian Church is supposed to have been organized in the Fall of 1720, by a portion of the current of emigration which, at that time, flowed into Pennsylvania from the northern part of Ireland; and, in the Fall of 1870, the close of the first one hundred and fifty years of its existence was appropriately recognized, in a public celebration of the event. The Address was prepared by Mr. Futhey, "a son of the Church;" and so well did he perform his designated duties—so thorough was he in his research, and in such good taste did he present the result of his enquiries—that the Session and the Board of Trustees united in the commendable work of preserving it, for the instruction of those, now and hereafter, who had not the pleasure of hearing it. The volume before us is the result of that united action.

Mr. Futhey commences with a brief sketch of the remarkable people from whom this Church was originally organized; and then presents its history, in detail, through the succeeding one hundred and fifty years, until now. An Appendix presents, successively, the present organization of the Church; the surnames of the families who founded it and were its earlier members; the Patent for its lands; a list of its Pewholders, during the last century; a list of subscribers for re-building the grave-yard wall, in 1790; the "Call" first given to Rev. James Latta, in 1810; Charter of the Church, 1812; list of Trustees, 1812 to 1870; interments in the old "New-side" grave-yard; interments in the Upper Octorara grave-yard; and surnames of families now connected with the Church.

It will be seen that, whether considered from the historical or the genealogical stand-point; this volume is an important one in relation to the past of Chester-county and Pennsylvania.

It is a very handsome book, too, considered typographically.

C.—TRADE PUBLICATIONS.

9.—*The Question of the Hour: the Bible and the School Fund.* By Rufus W. Clark, D.D. Boston: Lee & Shepard, 1870. 16mo. pp. 127. Price 40 cents.

This is a *Boston* book, written by a *Boston* man who lives in Albany, published by a *Boston* house, mainly, we suspect, for a *Boston* audience. It has the odor of Boston, from beginning to end.

To begin with its beginning, its author insists that the *State has*, necessarily, something to do with *religion*, as John Winthrop insisted, in the days of Anne Hutchinson; that the State "*must* have some religious character," either good or bad; that the Puritans made it so, and it must be so,—"*and that's the end on't.*" He does not tell us, however, what kind of religion he thinks the State "*must*" possess, Congregational or Dutch Reformed; nor does he tell us whether it is to be *his Church* and the Heidelberg Catechism, or *some other Church* and some other Catechism, which he would have Massachusetts recognize and support by Law.

We should like to know whether or not Doctor Clark really believes the peculiar polity, and creed, and ritual of the Reformed Dutch Church in America, of which he is a professed Minister, are scriptural and agreeable to the Divine law. If he is consistent or worthy of the least respect, he must assent to this query; and he must, in that case, also, admit that he necessarily considers the polity, Articles of Faith, and forms of worship practised in Massachusetts, by the majority of her citizens, as altogether unscriptural, unauthorized, and blasphemous, notwithstanding the Puritans made them as they are. What, then, would Doctor Clark do with Massachusetts? Would he compel her to become Dutch Reformed, such as he professes to be, or allow her to wallow in what he considers to be an error, as the Puritans, in such a case, must have wallowed, and in the same dirty *anti-Dutch* pool, two centuries ago?

In short, if the State cannot get along without mixing with the Church, if Religion cannot be religious nor Politics political without the two being mixed, pray, Doctor Clark, tell us from which cannister would you have us take our Religion and from which our Politics, in order to produce what you conceive to be an orthodox Church and a "*Christian* nation." Shall our Religion come from Heidelberg or Cambridge? Shall it be labelled by the "*Society*" or the "*Synod*"? Shall its professors be controlled by the teachings of the Bible, faithfully translated, or the ring of the Dollar? So, too, as to the Politics—shall they come from Massachusetts or New York? Shall they be "*Know-nothing*," or "*Pipe-laying*," or "*Hunker*," or "*Barn-burner*," "*Hard*" or "*Soft*"? Shall they label-

led "*Manhood Suffrage*" or "*Property qualification*"?

In view of this strange discord in his premises, Doctor Clark strangely overlooks his self-imposed duty, when he fails to define just *what* religion he would have the State allied to; and he as strangely leaves it open to others, equally as honest and equally as respectable as he, to grant his premises and insist that *their* particular religion, which teaches that State Establishments are not of Christ but of anti-Christ, shall prevail. Indeed, we are free to say, for ourself, that this proposed union of Church and State, whether through the Meeting-house or the Public School, is, in our own well-settled opinion, only the old serpent disguised—the devil painted sky-blue, in order that he may appear as heavenly as his lecherous words appear to be. Our Savior never taught his Disciples to *enforce* religion, either from the pulpit or the schoolmaster's desk; on the contrary, he told them, "*My Kingdom is not of this world*"—and our observation has taught us that it is falsehood, alone, which requires and which generally demands the support of Governmental interference. Truth needs no legal enactment, no levy on the tax-payers, no violation of individual rights; and it was well said, by one of America's wisest sons, that coercion of opinion will make fools of one-half of the world and hypocrites of the other half.

Now, Doctor Clark, be pleased to tell us, in view of the ceaseless demands by the Clergy, for a controlling voice in politics, and of your own claim to what is, practically, the infallibility of the Church, wherein Heidelberg and Boston differ from Rome—wherein *you* differ from Pio Nono—in these matters. The same arrogant assumption of authority, in temporal affairs, and the same self-satisfied love of infallibility of which we hear so much *said* as existing in Rome, thrust their ugly features into our face, from every line of your tract, and stamp its author with the mark of "*the beast*"; and as we do not find, in *our* copy of the Bible, any warrant in the divine law, nor any in the recorded Commission of the Gospel-preachers, for any such interference, as you demand, either by Rome or Albany, by Archbishop Hughes or Rufus W. Clark, D.D., by the Churches of the unreformed Puritans or those of the Reformed Dutch, we are constrained to consider your pretensions as a mask, invented to cover the purposes of your party, of re-saddling the State with a Church Establishment, under the specious pretence that "*the general welfare*" demands it.

The truth is, the education of our children is *our own* affair, and not that of either the State or the Church; and when the State or the Church so far encroaches on the domestic circle and the parental prerogative as to interfere with the

parental control of the matter, it invades a castle and violates a right which, by the law of God, have always been treated as sacred, and which have been respected, everywhere, among men, except wherein the Puritanic element has exercised its *super-divine* authority. A State School is, in fact, nothing more nor less than a result of the practical union of the State and the Church, for undue purposes, under the plea of morality, by those whose own morality may be too often and too justly questioned; and that, too, without any existing necessity for it. Indeed, there is not nearly as much foundation for the claim of the State to educate our children, as a State right, on the ground of morality, as there would be for a general confiscation Act, since the inequality of estates and the desire of gain produce far more crime than a lack of learning; and a hungry belly and a shivering back appeal more powerfully for community of goods and a common table, and prompt more distinctly to crime, than any mere ignorance of the rudiments of Algebra and Natural Philosophy can possibly do.

But this is not all. Having gained the control of the education of our children, as a State duty, these Puritans tell us the Bible must be used as a school-book, because, First, the State *has* something to do with Religion; because, Second, the Bible is not a *sectarian* volume; because, Third, it is "the vital force of the Republic"; and, Fourth, because Rome will otherwise conquer America.

We deny that the State, as such, has, properly, any jurisdiction, concerning the education of our children, either within our family circle or elsewhere. We deny that the State, as such, has, properly, any jurisdiction on matters of Faith, either within or without the Churches. We deny that the Bible, in its ordinary form, is not sectarian; and we assert, and hold ourselves ready to prove, that it was *translated to order, for the establishment of a sect, under the direction of a bigoted sectarian, after a fashion of his own; and that it was established, by Law, at the expense of a more faithful translation, and is nothing if it is not Prelatical.* We deny that, if we understand the Bible correctly, it has anything to do with the working of the Republic, much less is it "the vital force" of that concern whose only visible "force," nowadays, seems to be the gases which are thrown off from the masses of corruption which are heaped up, around every Capitol, and every Court Room, and every Executive Chamber, from Augusta to Sacramento, and from Hudson's Bay to the Gulf of Mexico. We deny that there is any danger of "Rome" conquering America; and if there is any such danger, we need only refer to the recent conquest of

Saarbruck by the French and of the way in which it did not remain conquered, as an example of how America would not long remain "conquered" by the good old man who has not strength enough, in himself, to hold his own seat of empire in the Eternal City.

In fact, the tract is a re-hash of the stale arguments, worn out, long ago, in the service of every usurper and of every genteel robber of other people's rights and properties. It is a repetition of New England's excuse for killing heathen Indians, of her apology for stealing heathen Negroes, of her "patriotism" in overthrowing or disregarding her Constitutional obligations, of her excuses for defying alike the laws of God and of man, whenever they become *unprofitable*. It is a photograph of New England's arrogance because of her Puritanic origin; of her assumed superiority, by necessity; of her supposed supremacy, by the gift of God. The Puritan fathers did so, they tell us: the Puritan fathers were so and so: all that is good, in the Government or among the individual residents of the United States, has proceeded from them. They are the children and successors of these Saints, *therefore*, they are the proper lawgivers, the proper Priests, the Brahmins of America, unto whom all men must yield obedience—"for the general welfare."

We wonder if New-England-men will ever become sensible of their inborn folly, in the matter of their Puritanic ancestors and their own supposed superiority, as a consequence of their descent; and if they will ever talk and act, on these subjects, like other men. If the Almighty would graciously take them down to Damascus, as he took Paul, and as graciously remove the scales from their eyes, as he removed the scales from the eyes of that ancient Israelitish Puritan, they would discover, as he discovered, how ridiculously they have been acting before the world, and how nearly like fools, notwithstanding, in their own conceit, they are, like Paul, the Hebrews of the Hebrews. Even Doctor Clark might learn, in such a case, that the Ritualistic, Consistory-governed Dutch Church requires a different Bible, as "the sole rule of its faith and practice," from that which forms the "rule" for the Old South; and he might also take to himself, as a wanderer from the Puritanic fold, a little of that advice which says, "Physician! heal thyself."

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[No. 5.]

I.—A NAVAL HISTORY OF RHODE ISLAND.—CONTINUED FROM PAGE 182.

By HON. J. RUSSELL BARTLETT.

XX.

CONVENTION OF THE NORTHERN COLONIES, AT HARTFORD. ABLE-BODIED MEN IN RHODE ISLAND. FIFTEEN HUNDRED MEN IN PRIVATEERS. ONE THOUSAND MEN ORDERED FOR A NEW CAMPAIGN AGAINST THE FRENCH. ADMIRAL COLVILLE CALLS FOR MORE SEAMEN. GENERAL ABERCROMBIE APPOINTED COMMANDER-IN-CHIEF. ABERCROMBIE RECALLED, AND LORD AMHERST APPOINTED IN HIS PLACE.

With the commencement of the year (1758,) the Earl of Loudoun called for a Convention of the Governors of the Northern Colonies, to be held at Hartford. Rhode Island promptly complied with the call; and the General Assembly, at its February Session, resolved to send three Commissioners there, consisting of the Governor, Colonel John Andrews, and Samuel Ward. They were directed to lay before Lord Loudoun an exact state of the Colony, with regard to its fortifications, cannon, warlike and military stores, the number of its inhabitants, and the state of the Treasury. They were also required to ask of his Lordship an allowance for the provisions and military stores furnished by the Colony, the previous two years.

From the Memorials presented by the Commissioners, before-named, to Lord Loudoun and the other gentlemen of the Convention, we are enabled to gather some important facts relative to the actual state of the Colony, at that time. They state that, at the close of the year 1755, there were in the Colony eight thousand, two hundred, and sixty-two able-bodied men capable of bearing arms; but, as they had lost many during the War, and *fifteen hundred were out in privateers*, they believed the effective force had been greatly reduced. This is certainly a very large force to be engaged in privateering, and shows to what an extent this

business was carried. We should imagine that, in our day, with a population nearly four times greater than it was a century ago, fifteen hundred would be a large number of men to be thus employed. A knowledge of this fact may have induced the constant calls for seamen, by the Commanders of British men-of-war, whenever they appeared on our coast.

From an order to pay certain residents of Newport the amount of their bills, for the board of the French prisoners, it is evident that our privateers had been active, for, in no other way could such prisoners have found their way to Newport. The amount voted to be paid, for the board of these men, was five hundred and eighty pounds, ten shillings.

Admiral Lord Colville, who had been appointed Commander-in-chief of His Majesty's ships in North America, addressed a letter to Governor Greene, from Halifax, to the effect that his ships were short of a complement of seamen, and desired him to raise and forward to him, with the utmost dispatch, as many as possible. At the same time, dispatches came from Secretary Pitt, expressing great disappointment at the result of the late campaign, and making known the determination of the King to recover his losses, by the most vigorous and extensive efforts. He thought the Northern Colonies were able to furnish twenty thousand men, which, with a body of the King's forces, might, by the way of Crown Point, carry the war into the very heart of the enemy's possessions. If found practicable, Pitt also proposed to attack Montreal and Quebec. The Secretary further reiterated the call of Admiral Colville "to supply him with such a number of sailors and workmen from the Colony, as he shall, at any time, require for his Majesty's service."

There seems to have been some difference of opinion, among the members of the Convention, with regard to the quota of the troops to be furnished by the New England Colonies. The number called for, by Lord Loudoun, from Rhode Island, is not stated; but the Commissioners, in their Memorial to his Lordship, in

reply to his requisition, remark that the full quota of the Colony should be four hundred and twenty-five men. They also call his attention to the "exposed and defenceless condition of the Colony, and of the great number of its inhabitants which are out in private men of war." Lord Loudoun replied that he knew of no rule which the Governments had agreed upon; and that he could not vary from the number of men he had called for, without giving great uneasiness to the other Governments. But, whatever number the call was made for, the Colony passed an Act to raise one thousand men, "for the ensuing campaign against His Majesty's enemies in North America," which were to co-operate with a powerful fleet, "to make the most vigorous and extensive efforts to avert the dangers impending, and to carry war into the enemy's country." The whole force expected to be raised by the six Northern Colonies, which included New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, was twenty thousand men. The field-officers appointed for the Regiment were, Godfrey Malbone, Colonel; Henry Babcock, Lieutenant-colonel; Daniel Wall, Major; and Joseph Coggeshall, Commissary. While these proceedings were going on, the Earl of Loudoun was recalled, and General James Abercrombie appointed Commander-in-chief of His Majesty's land-forces in North America.

General Abercrombie had no sooner taken command of the forces, than he addressed a letter to Governor Hopkins, on the subject of the new levies, and of the vigorous measures to be resorted to, in the forthcoming campaign. He also ordered an embargo to be laid on all ships in the different ports of the English Colonies. In speaking of the troops, he says that there are not arms enough in his Majesty's stores to arm all the men; and, therefore, he proposes that they furnish their own arms, together with "powder-horn, shot-bag, a case for the lock of his gun, and a good blanket."

One of the first acts of General Abercrombie was to issue a General Order in relation to the capitulation of Fort William Henry, declaring that agreement null and void. It appears that, immediately after the capitulation, "the French broke it in a most flagrant manner, by murdering, pillaging, and captivating many of His Majesty's good subjects, in violence of said capitulation, as well as of the Law of Nations." The General, in consequence, directed that all officers and soldiers who served at the Fort, "be empowered and commanded to serve in the same manner as if no capitulation had ever been made." General Abercrombie, at the same time, notified

the Governor-general of Canada that, if any of His Majesty's subjects supposed to be comprehended in that capitulation should fall into his hands and any violence follow thereupon, he would retaliate on the persons of the French prisoners then in his hands, as well as on all that might be taken, by sea or land.

The following official letter from Colonel Samuel Angell, commanding the Rhode Island Regiment, at the fall of Fort William Henry, to Governor Greene, gives the particulars of this disaster and of the outrageous conduct of the French, to which General Abercrombie alludes:

"CAMP FORT EDWARD, }
14th August, 1757. }

"SIR: The following is the best account of the siege and reduction of Fort William Henry that I am at present able to give, with the consequences that have followed:

"The 2d instant, Colonel Young of the Third Battalion of the Royal Americans, and Colonel Frye, of the Massachusetts, marched to the Lake with about thirteen hundred men, which made up the number in camp and garrison to twenty-four hundred, including carpenters and sailors.

"On the 3d instant, at five o'clock in the morning, the Fort and camp were invested by Canadians and Indians; and, at the same time, a large body of boats and canoes appeared on the Lake, near, while our camp was attacked by a superior number of the enemy. They landed their artillery, the same day. Our Rangers brought in one of their Lieutenants prisoner, who gave account that their strength consisted of three thousand Regulars, five thousand Canadians, and three thousand five hundred savages, thirty-six cannon, and four mortars.

"The siege continued obstinate till the 9th day, at six o'clock in the morning, when all the cannon bigger than twelve-pounders were broken; the men in camp and garrison spent with fatigue. They capitulated on honorable terms, viz: that they should march to this place, with a brass twelve-pounder in the front, and their fire-locks clubbed, and colors flying, with all their baggage. This was agreed to, and Articles signed. General Montcalm and other principal officers of his army expressed and acknowledged that they had made a defence beyond expectation; and, for those reasons, he allowed them as good terms as General Blakeney had. The Articles obliged our men not to bear arms till eighteen months were expired.

"The morning following, our men were to march with a strong guard of Regulars, to keep the savages from insulting them.

"When our people began to draw up for a march, the horrible scene of massacre then began by the savages scalping our sick and wounded men; next, by their drawing out all the black men, scalping the Indians, and keeping the negroes for slaves. All this did not satisfy them; but they fell to stripping and scalping without distinction; which put our men to the flight, each man for himself—having no protection agreeably to the Articles. They all scattered in the woods; the Indians following them several miles. Our men have been coming in since eleven o'clock that day, till this morning, by single persons and small parties; not a man but is stripped, some quite naked.

"There are yet behind several hundred; many of whom, it is known, are sick, and many, it is thought, will perish in the woods. This minute, a deserter from the French says that about two hundred of our men went back to the French for protection.

"By our parties, just come in, we have certain accounts that the fort is destroyed, and that the enemy are drawing off. We have about four thousand militia here, and two thousand troops. In haste, conclude—

"Your Honor's most obedient humble servant,

"SAMUEL ANGELL.

"To the Hon. WILLIAM GREENE."

In September, 1758, General Abercrombie returned to England, and Major-general Jeffrey Amherst was appointed in his place, as Commander-in-chief of the King's forces in North America.

The question of flags of truce occupied much attention, at this time, owing, probably, to the powers claimed by them; and the General Assembly appointed a Committee to examine the laws relating to them. By their Report, it appears that since the commencement of the War, but little more than a year, eleven Commissions had been issued. Governor Greene had granted three and Governor Hopkins eight. The latter were issued to Ebenezer Tyler, Thomas Rodman, Nehemiah Rhodes, Paul Tew, Lemuel Angell, Samuel Thurston, John Updike, and Benjamin Wanton. The law regarding these vessels was now amended, a provision being made requiring every flag of truce to carry off all prisoners of war that were in the Government, at the time of issuing the Commission, if they had the capacity for doing so. An exact account was also directed to be kept by the Register of the Court of Vice Admiralty, of all prisoners of war brought into the Government.

In January following, came letters from Sec-

retary Pitt, expressing the desire of the King to improve the advantages which his arms had gained, in the last campaign. His Majesty was determined, by the most vigorous efforts, to prevent irruptions of the French; and these could only be accomplished by the Colonies furnishing twenty thousand troops to join a large body of the King's forces for invading Canada, by way of Crown Point. To render the levies more certain, General Amherst wrote to Governor Hopkins, advising him not to disband the troops which had been employed in the campaign, the previous Summer, but to continue them in pay, and, at the same time, to take the necessary measures for raising new levies for the next campaign.

XXI.

FLAGS OF TRUCE SENT TO THE WEST INDIES. ONE THOUSAND TROOPS SENT TO GENERAL AMHERST AT ALBANY UPON THE REQUISITION OF SECRETARY PITT FOR THE REDUCTION OF CANADA. RHODE ISLAND SENDS SEAMEN TO THE BRITISH FLEET AT HALIFAX. BOUNTY.

At the breaking out of the War with France, (1758) there was a considerable commerce between Rhode Island and the French Islands, in the West Indies; and, as is usual in similar cases, property to a large amount belonging to our citizens was seized or retained by the French authorities.

To obtain their property, the owners asked leave of the General Assembly to send out flags of truce. Godfrey and John Malbone, of Newport, got permission to send a flag of truce to the island of Cayenne, to recover twenty thousand livres due them, there. Christian Mayer, also of Newport, obtained leave to send a flag to the island of Hispaniola, for a similar purpose. The same privilege was given to Silas Cooke, of Providence, late commander of the Privateer *Providence*, but for a different object.

It appears from Captain Cooke's Petition, that, while on a cruise in the West Indies, he was captured by two French frigates and carried to the port of St. Mark, in Hispaniola. He and his crew were subsequently liberated and sent to Jamaica, with the exception of three Indians and nine negro slaves belonging to gentlemen in Rhode Island. The latter were to be sold; and, knowing how highly they were prized by their owners, he made arrangements with a French gentleman to purchase them, so that their owners might have an opportunity to redeem them. It was with the view of obtaining these slaves that permission was given to Captain Cooke to proceed with a flag of truce to the port of St. Mark.

At the February Session of the General Assom-

bly, a complaint was made by Silas Cooke, Agent for Don Antonio Gomez Franco, a subject of the King of Spain, against the privateer *Roby*, Captain Simon Smith, of Warren, which, on the twenty-ninth of January, entered the harbor of Monto Christo, a port on the island of San Domingo, and there seized a Spanish vessel, belonging to said Don Antonio, loaded with sugar, which he sent to Warren, where she had arrived, and had been claimed by the owners of the *Roby*, as a lawful prize.

Mr. Cooke showed that the King, two years before, had prohibited his subjects from taking or molesting any of the subjects of his Most Catholic Majesty, on any pretence whatever; and as any thing done by the people of the Colony, contrary to the King's Proclamation and against the Law of Nations, might draw upon them the displeasure of the King and involve the nation in a controversy with the King of Spain, which the Ministry, at home, had industriously avoided, he prayed, in behalf of Captain Rodrigues, the Master of the captured vessel, that it might be restored to him, together with its cargo. The Assembly accordingly passed a Resolution, citing the owners of the *Roby* to make answer to the matters alleged in the Petition of Mr. Cooke.

Several letters were received from William Pitt and Major-general Amherst, in the beginning of the year 1759, pressing the Colony, in the strongest manner, to comply with the request of the King to furnish troops for the proposed invasion of Canada. The Governor was directed to urge on the Council and Assembly the importance of their exerting themselves in the present critical and decisive moment, on which their own interests and security are so nearly concerned, that it would seem superfluous to add the further motives of their duty to their King and of the gratitude they owe to this country for the very great expense and succors supplied for their defence and for the future safety of all their rights and possessions in America.

In answer to the requisition of Secretary Pitt, the General Assembly ordered that the troops in the pay of the Government should be, at once, augmented to one thousand, to be divided into thirteen Companies. They directed the Council of War to send as many of these troops to Albany, by water, as the transports were able to carry, the remainder to march by land or to go by water, as His Excellency General Amherst might direct. They were ordered to be ready by the twenty-fifth of March. The field-officers of the Regiment were Henry Babcock, Colonel, Daniel Viall, Lieutenant-colonel, and John Whiting, Major. Three of the Companies were to be led by the field-officers.

To provide for the comfort of the troops and

see that nothing was wanted, the Commissary and Sutler were ordered to furnish them with clothing and other necessaries not furnished by the Crown. Farther to provide for necessaries, hereafter required, a quantity of shirts, caps, stockings, flannel-jackets, and breeches were to be procured and sent to Albany, for the use of the troops.

A singular clause was added to the Act providing for the Regiment, which was that "if Canada be reduced to the obedience of His Majesty, during the present campaign, each of the soldiers in the service of this Colony shall be entitled to the sum of £10., lawful money, on his return, agreeably to the promise made the soldiers, last year."

To carry on the campaign against Canada, Rhode Island was required, as had been usual, on former occasions, to furnish seamen for the fleet then at Halifax, under Admiral Durell. This officer, under date of the fourteenth of February, 1759, addressed two letters to Governor Greene, on the subject. He stated that as the equipping and manning of the squadron under his command was "of the utmost consequence to His Majesty's service and particularly to the Colonies," he was obliged to call upon Rhode Island, for seamen. In case they could not be furnished, the Admiral stated that he should be obliged to apply to the Regiments then at Halifax, for them; which he feared might prove detrimental to the operations by land. As an inducement for seamen to join his squadron, he promised them a bounty of forty shillings, sterling; and pledged himself that they should not be taken either to Europe or to the West Indies.

General Amherst seems to have used more precautions than are taken now-a-days to prevent the enemy from learning the movements of the Colonies. In one of his letters to Governor Greene, he says, "I must not omit cautioning you that, as secrecy, in all enterprises on particular places, is of the greatest importance, you will use all proper discretion in communicating, by name, any of the immediate objects pointed out by Mr. Pitt, further than to such persons to whom it may be necessary, for the good of the service, confidentially, to entrust the same."

In compliance with the request of Admiral Durell, an Act was promptly passed for raising seamen to complete the manning of the King's ships, at Halifax: and, further to manifest her zeal in the cause, the General Assembly voted to pay each able-bodied seaman who should enlist, a bounty of forty shillings, sterling, in addition to the pay of the King. In order the more efficiently to carry this Act into effect, the Governor was requested to issue his Proclamation embody-

ing its features therein. At the same Session, the Assembly voted ten thousand pounds towards procuring stores and other necessaries for the fort on Goat-island, and for completing its ravelins. The town of Newport had the disposition of this money, as well as the enlistment of soldiers for the fort.

To carry on the War, it became necessary to resort to a tax wherewith to pay off the troops, on their return from the campaign. Sixteen thousand pounds had already been voted for enlisting, equipping, and provisioning the Regiment; and the apportionment of the proposed tax was now made. This brought from three citizens of Newport, Messrs. J. Honeyman, Joseph Wanton, Jr., and D. Ayrault, Jr., a Protest against the Bill. From this, it is evident that the War had borne heavily on the people. This the signers do not seem to have objected to; but they thought the people of Newport had to bear too large a proportion of the tax. They say, "the merchants of Newport have lost, in the course of their trade, upwards of two millions of money, since the commencement of the War, which loss must greatly affect all persons residing in the town," who so much depend upon the prosperity of the mercantile community. They think, therefore, that "the inhabitants are not in a capacity to pay such proportion of the tax as is enjoined by the Bill." On the other hand, they believed that the increased price of provisions, by reason of the War, had greatly benefited the inhabitants of the other parts of the Colony, by whom these articles were produced; and that they, in consequence, should bear a larger proportion of the tax.

XXII.

EXTENSIVE PLANS FOR THE CONQUEST OF CANADA. RHODE ISLAND FURNISHES HER QUOTA OF TROOPS. MILITARY SPIRIT OF NEW ENGLAND. FORT NIAGARA SURRENDERS. TICONDEROGA AND CROWN-POINT ABANDONED BY THE FRENCH. GENERAL AMHERST'S LETTER TO GOVERNOR HOPKINS. COLONEL BABCOCK TO GOVERNOR HOPKINS. ADMIRAL DURELL'S LETTER. FALL OF QUEBEC.

The campaign for which the Colony had furnished a Regiment, in 1759, was the conquest of Canada; and, although, on several previous occasions, similar plans had been devised, or attempts had been made to effect the complete overthrow of the French empire, in North America, the plans for the present year were on a grander scale and embraced a wider field than those of former campaigns. A powerful fleet, under Admiral Saunders, bearing eight thousand men, in command of General Wolfe, was to attack Quebec. To reach Montreal, by way of Lake Cham-

plain, the French forts and outposts, at Crown Point and Ticonderoga, were to be reduced, for which purpose General Amherst, with twelve thousand troops, was to march from Albany; while, further West, an entrance was to be made into Canada, at Fort Niagara, with a Provincial army, under General Prideaux, and a large body of the Six Nations of Indians, under General Sir William Johnson.

The northern British Colonies entered into this War with the greatest enthusiasm, notwithstanding their contributions, in men and money, for the campaign of 1758 and previous years. But the military spirit manifested itself chiefly in New England and New York. Massachusetts, though she had sent large numbers before, now furnished no less than seven thousand men for this War, including those sent to the frontier and in garrisons.

The contest began at Fort Niagara, with a force under General Prideaux, consisting of two Battalions from New York, two British Regiments, and the Indian auxiliaries, under Sir William Johnson. Prideaux was killed at the beginning of the siege, when the command devolved on General Johnson. Nine days after, a general battle took place, which resulted in the complete defeat of the French and the surrender of their army.

At the same time, General Amherst commenced operations at Lake George, with a force of twelve thousand men, of which one-half were Provincials, the remainder British Regiments. The force of the French being but one-fourth that number, they abandoned Ticonderoga and Crown Point, almost without making any defence. The following letter, from General Amherst to Governor Hopkins, announced to him the first result of the campaign:

"CAMP AT TICONDEROGA, 27th July, 1759.

"SIR:—On Saturday morning last, I embarked with the army at Lake George. The next day landed without opposition, and proceeded to the Saw Mills, and took post on the commanding grounds, meeting only a trifling opposition from the enemy. We lay on our arms all night; and early the 23d, we continued our march to this ground, which I took possession of in the forenoon, the enemy having abandoned the lines without destroying them; first having carried off their effects, as well as sent away the greatest part of their troops.

"As soon as I was set down before the place, and after having reconnoitered it, I ordered the trenches to be opened, and batteries to be made, which were finished last night, and were to have opened at break of day; but the enemy did not think proper to wait till then, having, about ten of the clock, yesterday evening,

"blown up a part of the fort, and made their escape, all to about twenty deserters.

"Our loss, considering the fire we sustained, is inconsiderable. We have only two officers killed, viz: Col. Townshend, Deputy Adjutant-general, and Ensign Harrison, of late Forbes's.

"I take the earliest opportunity of acquainting you with this, and assuring you that

"I am, with great regard, Sir,

"Your most obedient, humble servant,

"JEFF. AMHERST.

"To the Hon. Governor HOPKINS."

No letter is preserved from Colonel Babcock, except the following to Governor Hopkins, written three days after the fall of Ticonderoga:

"TICONDEROGA, July 29, 1759.

"HON'D SIR:—I have so many different things to do, that I have scarcely time to turn around.

"For God's sake, if you have any regard to the safety of your Government, as I am well assured no man can have more, be good enough, as soon as possible, to appoint Major Whiting Lieutenant-colonel, and Eb. Whiting, Major. I beseech you to do so, as it is for the good of His Majesty's service. The latter has been solicited repeatedly to take command in Inskilling Regiment, and he would not do it without my leave; and he is so good an officer that I could not, contrary to his private interests, let him go.

"I beg you would come up, and then you will see what is absolutely necessary. We want brass kettles, which I must draw upon Dow for—but how to get them here, I can't tell. I have not two minutes notice of this express going.

"The fort was evacuated the 26th July, the same day that Louisbourg surrendered.

"I am, &c., &c.,

"H. BABCOCK."

A few days later, the following letter, giving more particulars of the campaign, was received by the Governor from General Amherst:

"CAMP AT CROWN POINT, 8th August, 1759.

"SIR:—On the 27th ultimo, I had the pleasure of communicating to you that the enemy had, on the evening before, abandoned the fort at Ticonderoga; to which I have now the further satisfaction to add, that they have likewise withdrawn themselves from this place, after having also attempted to blow up the fort, in which they have succeeded only in part; and that I am in possession of the ground ever since the 4th, where I propose building such a stronghold as shall most effectually cover and secure all this country.

"The night of my arrival here, I received letters from Sir William Johnson, with the additional good news of the success of His

"Majesty's arms at Niagara, which surrendered by capitulation on the 25th, to Sir William, upon whom the command had devolved, by the demise of poor Brig. General Prideaux, killed in the trenches on the night of the 20th; the garrison, consisting of six hundred and seven men, being prisoners of war, and now on their march to New York, together with seventeen officers and one hundred and sixty men more, part of a Corps of twelve hundred, assembled at Detroit, Venango, and Presque-isle, under the command of Messrs. Aubrey and Delignory, for raising the siege; but Sir William Johnson having intelligence of their approach, provided so properly for their reception, that, on the morning of the 24th, when they went to march straight to the fort, they met with such an opposition as they little expected, being entirely routed, with the loss of all their officers and a great number of their men killed, whilst the loss on our side is inconsiderable.

"This signal success, added to the other advantages, seems an happy presage of the entire reduction of Canada, this campaign; or, at least, of circumscribing the enemy within such narrow bounds as will ever after deprive them of the power of exercising any more encroachments; on which I hope I shall have the satisfaction of congratulating you, as I now do, on these late great events; and am, with great regard, Sir, &c., &c.,

"JEFF. AMHERST.

"To the Honorable Governor HOPKINS."

To complete the naval events of the campaign, we give the letter of Admiral Durell, acknowledging the aid he had received from the Colony, in the seamen so promptly furnished him to man his squadron:

"PASS AMELIA, OFF THE ISLE MADAME, }
"3d September, 1759. }

"HONORABLE GENTLEMEN:—I received the honor of your letter, by Mr. Tripp, with the men you so readily and cheerfully raised for His Majesty's service, upon my application to you.

"I take the opportunity of the said gentleman, to return you my hearty and sincere thanks, as well for the men raised, as for your generous offer in assisting, at any time (upon timely notice given you) to raise a greater number, if his Majesty's service should require it. I shall not fail, when I come to England, to represent the cheerfulness with which you acted upon this occasion.

"When you draw for the forty shillings bounty-money you have dispersed upon this account, you will be pleased to make your draught upon the Honorable the Commissioners.

"of his Majesty's Navy; and if said draught should be objected against, which I don't apprehend will be the case, you will be pleased to direct your correspondent, in London, to apply to me, and I will represent it to the Right Honorable the Lords Commissioners of the Admiralty.

"I am, with great regard, &c., &c.,

PHI. DURELL.

"To the Governor and Company of Rhode Island."

The result of the attack on Quebec is familiar to all. The whole armament reached there, on the twenty-sixth of June. Little of moment was accomplished during the months of July and August. On the morning of the thirteenth of September, Wolfe made a landing, near the city, and, with his army, climbed the precipitous banks, when he reached the Plains of Abraham. Montcalm met him, that day, in battle, each army having about five thousand men. Both commanders were killed; but the victory remained with the British. Five days after, Quebec capitulated. The news of this important victory was received with great joy, in Rhode Island. Bonfires and illuminations, Sermons and Orations, attested the universal joy at the complete triumph of the British arms. In England, were similar rejoicings; and a Royal Proclamation was issued appointing a day of Public Thanksgiving throughout the country.

XXIII.

THE WAR TO BE PURSUED AND THE FRENCH DRIVEN FROM THE CONTINENT. LETTER FROM WILLIAM PITT. THE GENERAL ASSEMBLY VOTE MORE TROOPS. MONTREAL TAKEN AND THE REDUCTION OF CANADA COMPLETE. THE RHODE ISLAND TROOPS DISBANDED. THE GENERAL ASSEMBLY APPOINTS A DAY OF GENERAL THANKSGIVING FOR THE SUCCESS OF HIS MAJESTY'S ARMY, IN THE REDUCTION OF CANADA.

The Government determined, after the fall of Quebec, to continue the War with the utmost vigor and drive the French from every part of the Continent. But it was now too late in the season; and further active operations, at the North, were necessarily deferred for another campaign. The following letter was received by Governor Hopkins from Admiral Colville, at Halifax:

"SIR: As I am Commander-in-chief of His Majesty's sea-forces, in North America, the nature of my office, as well as my instructions, points out to me the propriety of corresponding with the several Governors of His Majesty's Colonies on the Continent. Therefore, I make it my present request to your Excellency, that you will, as early as possible, communicate to

"me whatever intelligence you may receive, relating to the enemy; and, particularly, if any of their ships of war should arrive in your neighborhood, that part of the force under my command may be employed to defeat their purposes.

"I must likewise acquaint you that most of the King's ships with me are short of complement, and, by death and sickness, will be still shorter in the Spring. There is no provision made to supply this deficiency from England; because 'tis supposed, there, that it can be done from the Colonies; and, although I am perfectly sensible, from former experience, how difficult it is to raise men in America, for the sea-service, yet I am under the necessity of applying to Your Excellency for this purpose; because I have no other prospect whereby the strength of the squadron can be kept up.

"I am, &c., &c.,

COLVILLE.

"Northumberland, at HALIFAX, Nov. 1, 1759. To the Governor and Company of Rhode Island."

Under date of the thirteenth of December, 1759, General Amherst wrote to Governor Hopkins complimenting the Rhode Island troops for their services, in the campaign against Canada. He adds, "and, as Colonel Babcock has, throughout the whole campaign, continually manifested his zeal for the service and, upon all occasions, promoted it to his utmost, I should do him injustice were I to omit giving him this public testimony of it, and begging of you to return him my particular thanks for the same." On the same occasion, General Amherst made a requisition on Rhode Island for a Regiment of troops, or rather requested that the Regiment which had been in the late campaign should be completed and kept in service during the Winter. But the General was too late with his request. The General Assembly, at its October Session, had ordered that, when the Regiment returned from the seat of war, it should be disbanded, unless, before that time, a request should be received from the commanding General that they might be longer retained. The Regiment, it appears, waited until the tenth of December, when the officers and men were all discharged, by Proclamation. In stating this fact to General Amherst, Governor Hopkins assured him that the Colony had no design of withholding its further assistance to His Majesty's service, should it be wanted; and that his future requisitions for troops would, at once, be laid before the Assembly, by which body they would all be cheerfully and promptly carried into execution."

Early the following year, a letter was received from William Pitt, Secretary of State, calling

upon the Colony for aid, of which the following is an extract :

" WHITEHALL, 7th January, 1760.

" SIR : His Majesty having nothing so much at heart as to improve the great and important advantages gained, the last campaign, in North America, and not doubting that all his faithful and brave subjects, there, will continue, most cheerfully, to coöperate with, and second, to the utmost, the large expense and extraordinary succors supplied by this kingdom for their preservation and future security, by completing the reduction of all Canada ; and His Majesty not judging it expedient to limit the zeal and ardor of any of his Provinces, by making a repartition of the force to be raised by each, respectively, for this most important service ; I am commanded to signify to you the King's pleasure, that you do forthwith use your utmost endeavors and influence with the Council and Assembly of your Province, to induce them to raise, with all possible dispatch, within your Government, at least as large a body of men as they did for the last campaign ; and even as many more as the numbers of its inhabitants may allow, and, forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold themselves in readiness, as early as may be, to march to the rendezvous, at Albany, or such other place as His Majesty's Commander-in-chief, in America, shall appoint, in order to proceed from thence, in conjunction with a body of the King's British forces, and under the supreme command of His Majesty's said Commander-in-chief, in America, so as to be in a situation to begin the operations of the campaign, by the 1st of May, if possible, or as soon after, as shall be any way practicable, by an irruption into Canada, in order to reduce Montreal and all other posts belonging to the French, in those parts, and further to annoy the enemy, in such manner as His Majesty's Commander-in-chief shall, from his knowledge of the countries through which the War is to be carried and from emergent circumstances, not to be known here, judge to be practicable.

" And the better to facilitate this important service, the King is pleased to leave to you to issue Commissions to such gentlemen of your Province, as you shall judge, from their weight and credit with the people and their zeal for the public service, may be best disposed and able to quicken and effectuate the levying of the greatest number of men ; in the disposition of which Commissions, I am persuaded you will have nothing in view but the good of the King's service and a due subordination

" of the whole, when joined to His Majesty's Commander-in-chief ; and all officers of the Provincial forces, as high as Colonels, inclusive, are to have rank according to their several respective Commissions, agreeably to the Regulations contained in His Majesty's Warrant of the 30th of December, 1757.

* * * * *

" It is unnecessary to add anything to animate your zeal in the execution of His Majesty's orders, on this great occasion, where the future safety and welfare of America, and of your own Province in particular, are so nearly concerned ; and the King doubts not, from your own fidelity and attachment, that you will employ yourself, with the utmost application and dispatch, in this promising and decisive crisis.

" I am, etc., W. PITT.

" To the Governor and Company of Rhode Island."

Governor Hopkins laid this letter before the Assembly, at its Session, in February, which body acted promptly upon it, by passing an Act for raising a thousand men " to proceed on an Expedition against his Majesty's enemies still remaining in Canada, and for supplying the Treasury for the necessary charges thereof." Bills of Credit, to the amount of sixteen thousand pounds, were ordered to be issued towards carrying the Act into execution. The field-officers of this Regiment were as follows : Christopher Harris, Colonel ; John Whiting, Lieutenant-colonel ; Thomas Burket, Major. Among the Company officers, we notice the names of Slocum, Watson, Peck, Tew, Brown, Shaw, Wilcox, Rodman, Eldred, etc. The Assembly also requested the Governor to direct the Colony's Agent, in London, to apply to the Government for forty shillings per head, bounty-money, for the seamen raised in the Colony the previous year and sent to His Majesty's fleet, in the river St. Lawrence.

The sixteen thousand pounds, voted in February, were for equipping the troops and getting them to Albany. An additional ten thousand pounds was voted in May following.

The events connected with the campaign of 1760, against Canada, in which the Rhode Island Regiment took part, belong to the history of the country rather than to that of the Colony. The French, under De Levi, made an attempt to recover Quebec, in which they failed. The whole British force, consisting of three armies, were now concentrated upon Montreal. These embraced the main army, under General Amherst, which included the Rhode Island troops, ten thousand strong. These had collected at Oswego, whence they descended Lake Ontario and the river St. Lawrence, to the place of attack. Gen-

eral Murray, with four thousand men, came up from Quebec; while Colonel Haviland, at the head of thirty-five hundred, approached from Crown Point. Against so formidable an army, Montreal, which had been long cut off from supplies from Europe and was then on the verge of famine, surrendered without a struggle. All western or Upper Canada, together with the district now known as Michigan, which was then possessed by the French, soon after, submitted, thereby completing the reduction of Canada.

The General Assembly ordered that a Proclamation should be issued by the Governor, disbanding the Rhode Island troops, at the end of fifteen days after they had received their discharge from their General, with orders for marching home. The Assembly also appointed a day of General Thanksgiving to be observed throughout the Colony, for the success of His Majesty's arms in the reduction of Canada.

XXIV.

THE EARL OF EGREMONT, SECRETARY FOR THE COLONIES, CALLS FOR MORE TROOPS. GREAT BRITAIN DECLARES WAR AGAINST SPAIN. THE COLONY FURNISHES ITS QUOTA OF TROOPS FOR AN EXPEDITION AGAINST CUBA. ATTEMPTS TO PROCURE SUPPLIES IN NEWPORT FOR THE FRENCH FLEET AND NAVY. PRIVATEERS FITTED OUT IN THE COLONY. SUCCESS OF THE EXPEDITION AGAINST CUBA. FALL OF HAVANA. GREAT LOSS OF LIFE. PEACE BETWEEN GREAT BRITAIN, FRANCE, AND SPAIN. GOVERNOR WARD'S PROCLAMATION.

In October, 1761, William Pitt resigned his seat in the Council, and the Earl of Egremont became Secretary for the Colonies. He soon after addressed letters to the Colony, on the subject of the War, with a request that it should raise six hundred and sixty-six men, being the same quota which it furnished the previous year, to be placed, as before, under the command of General Amherst. The request was readily complied with. General Amherst also made a requisition for one hundred and seventy-eight additional troops, to complete the regular corps, which were also furnished.

In January following, Lord Egremont transmitted to Governor Hopkins the King's Declaration of a War against Spain, with an order that it should be proclaimed in the Colony. He further announced that his Majesty had been pleased to authorize the granting of letters of marque, or Commissions to privateers. This news was particularly gratifying to the Colonists, who, from their maritime pursuits, were always ready to embark in enterprises on the sea.

Before the Regiment referred to was raised, a letter was received from General Amherst, re-

questing that of the quota to be furnished by the Colony, two hundred and seven men, with one field-officer and other officers, might be sent to him, at New York, with the utmost dispatch, to be employed in an "expedition of the utmost importance." This detachment, which was in command of Lieutenant-colonel Hargill, proved to be a portion of the troops organizing for an expedition against Cuba.

By the seizure of some papers, in New York, belonging to Frenchmen, it appeared that the French had made extensive arrangements for supplying, not only their West India Colonies, with provisions, but their fleets which might arrive there. It also appeared, from these papers, that Rhode Island was one of the principal Colonies upon which they were to depend; and that some of the merchants in Newport were to be concerned in the "iniquitous trade." To put a stop to this project, General Amherst wrote to Governor Hopkins, directing him to cause an embargo to be laid upon all vessels except those employed in the transport of provincial troops. Similar orders were transmitted to the Governors of Connecticut and Massachusetts.

Samuel Ward, who had just been elected Governor of Rhode Island, in his reply to General Amherst, says that, "although a few persons may have been concerned in the injurious traffic referred to, the people of the Colony, in general, are very far from countenancing any measures which have the least tendency to obstruct his Majesty's service or support his enemies." It also appears, from Governor Ward's letter, that the fitting out of privateers interfered with the raising of troops for the regular service, as the sailors much preferred the more lucrative and exciting business of privateering.

From a Petition, presented to the General Assembly by Captain Edward Wells, Jr., of Hopkinton, it appears that the enemy sometimes took the Colony's vessels. The petitioner represents that "he hath lost large sums of money at sea by the enemy's taking his vessels," "and is likely to be ruined thereby." "That, by reason thereof, he cannot pay his just debts without the assistance of the Assembly." He therefore asked and obtained permission for a lottery, to enable him to dispose of his goods. He further states, in his Petition, that he has "a large acquaintance, in New York and Connecticut, who will cheerfully become adventurers in a lottery to contribute to his relief and enable him to pay his just debts."

In compliance with the request of General Amherst, a Company of sixty-four men, with two officers, were detailed from the Rhode Island Regiment to remain at Fort Stanwix, until the following July. The remainder were transported back to Providence, by water, from Albany.

Governor Ward found difficulty in recruiting men to make up deficiencies in the regular army, as required by the Earl of Egremont. The quota of Colony troops was easily furnished; but the Colonists felt reluctant to enlist in the regular service, where they might be sent abroad. In his reply to the Earl of Egremont, Governor Ward says that there was "a great scarcity of men, which was occasioned by the provincial levies and the spirit of privateering prevailing since the breaking out of the Spanish war." He was, however, enabled to send to General Amherst a number of men, who had arrived at Newport from the British frigate *Hussar*. This ship had been cast away on the island of Hispaniola; and her men had been sent to Newport, under a flag of truce.

The taking of Havana was the most brilliant achievement of the War, although it was attended with a great loss of life. A fleet, under Admiral Sir George Pococke, sailed from England, in March, and, uniting with the squadron of Lord Rodney, formed a most powerful expedition, embracing no less than thirty-seven ships of war, a hundred and fifty transports, and an army of ten thousand troops. Besides this, there were the reinforcements from the American Colonies, which had sailed from New York, under General Lyman. These numbered about twenty-five hundred men, to which must be added a like number of negroes, from the West India islands, making the entire force about fifteen thousand men. The Spanish garrison numbered about forty-six hundred. The siege of the Moro Castle was commenced early in June, a period of great heat, and which, even to those accustomed to the temperature of tropical climates, would have been oppressive; but to soldiers from a northern clime, it produced fatal results. Nevertheless, the valor and indomitable perseverance of the Anglo-Saxon, which has ever overcome all hardships and withstood the rigor of all climates, surmounted all obstacles, in Cuba. After great hardships and a fearful loss of life, a breach was made in the walls of the famous castle which guards the city of Havana, when it was carried by storm. A fortnight after, the city itself capitulated. The amount of treasure captured is stated to have been three millions, sterling. The following letter, from General Amherst to Governor Ward, briefly announces the victory, and states that the Rhode Island troops arrived in season to partake in it.

"NEW YORK, 6th September, 1762.

"SIR: 'Tis with the highest joy and satisfaction that I can inform you of the reduction of the Havana; having received letters from my Lord Albemarle, by the *Enterprise* man-of-war, which arrived here this morning at two o'clock.

"His Lordship acquaints me that the Moro fort was taken by storm, on the 30th July, very much to the honor and credit of the troops, and on the 18th August the Havana, with its dependencies, surrendered by capitulation, and is now added to His Majesty's conquests.

"The fatigues the troops have undergone during a long siege are not to be described; and the spirit and resolution with which they have carried on the different operations in that climate are not to be equalled.

"It gives me particular satisfaction that the troops furnished on this occasion by the Colony of Rhode Island arrived in time to partake of the honors reaped by so noble a conquest.

"I am, with great regard,

"Your most obedient servant,

"JEFF. AMHERST.

"To the Hon. Gov. WARD."

In a letter from General Amherst, of the fifteenth of September, he thanks Governor Ward and the Assembly for the promptness and cheerful compliance with his requisition for troops, for Fort Stanwix. A few weeks later [October 18th,] he apprised the Governor that he had received dispatches from Lord Colville, commanding his Majesty's fleet, informing him that he had retaken St. Johns, Newfoundland, and the garrison, with seven hundred prisoners, whereby the island again came entirely into the possession of Great Britain.

The troops engaged in the expedition against Havana returned to New York, late in November, when those from Rhode Island were forwarded by transports to Newport. It appears by General Amherst's dispatch, that the loss in men, from the unhealthiness of the climate, was very great. Of the two hundred and twelve furnished by Rhode Island, but one hundred and twelve survived the siege. A dispatch from the Earl of Egremont, bearing date the twenty-seventh of November, to Governor Ward, announced the welcome news that Peace had been ratified between Great Britain, France and Spain, when the following Proclamation was made by him:

"By the Hon. Samuel Ward, Esquire, Governor, Captain General and Commander in Chief of, and over the English colony of Rhode Island and Providence Plantations, in New England in America. To all whom these presents shall come, greeting:

"Be it known, that in pursuance of His Majesty's orders, signified to me by a letter from the Right Honorable the Earl of Egremont, one of His Majesty's principal Secretaries of State, cessation of arms between His Britannic Majesty, His Most Christian Majesty, His Catholic Majesty, and His Most Faithful Majesty,

"and their respective vassals and subjects, as well by sea as land, in all parts of the world," was published on Tuesday, the 8th instant, at Newport, in the Colony aforesaid.

"Given under my hand and the seal of the said Colony this 15th day of February, 1793, and in the third year of the reign of His Most Sacred Majesty George the Third, by the Grace of God, King of Great Britain, &c.
"SAM. WARD.

"By His Honor's command,
"HENRY WARD, Sec'y."

In the ensuing month of June, an Order was issued from the Commissioners of Trade and Plantations, directing that a day of public thanksgiving should be observed throughout all His Majesty's Colonies in America, on the happy conclusion of Peace. The General Assembly accordingly appointed the twenty-fifth of day August, 1763, to be kept in compliance with the orders of the King, for which the Governor issued his Proclamation, "requiring the inhabitants to assemble together, on that day, in their respective places of worship," also "forbidding all servile labor, sports, and pastimes on that day."

In this long War, which had lasted nine years, our little Colony took a most active part, furnishing more than her proportion of men for the Army, besides complying with the constant requisitions made by the various British Admirals, for seamen, when arriving on the coast with their fleets. She had willingly borne the increased taxation, and submitted to the loss of her foreign commerce. She had been, however, in a measure, remunerated for this loss by the profits which accrued from her numerous privateers; and it is safe to say that the military spirit which marked the people of the Colony, in its revolutionary struggle, and which has again been manifested, while we are penning these lines, by its contributions of men and money towards crushing the wicked conspiracy and rebellion in which the country is involved, commenced in the War between Great Britain and France, for supremacy in America.

[TO BE CONTINUED.]

II.—THE NORTH-EASTERN BOUNDARY OF NEW JERSEY.—CONTINUED FROM PAGE 234.

VI.—A REJOINDER TO MR. DAWSON'S "VIEW OF THE QUESTION."

By WILLIAM A. WHITEHEAD, Esq.

A correspondent of *The Gazette*, introduced to its readers as "A Member of the New York

"Historical Society,*" in attempting to elucidate the vexed questions which have been discussed under the above heading, has signally succeeded in surrounding them all with a mystifying halo, well calculated to mislead the unwary and confuse those unaccustomed to the effect of the cross lights which historical research is apt to throw upon controverted subjects. In view, therefore, of the position the writer has felt called upon to assume, he deems it justly due to himself and historic truth, to endeavor to relieve whoever may be interested in the controversy, from the maze of error into which they are liable to be led by the gentleman's long and labored article, although, from its tone and temper, its personalities and most unwarrantable aspersions of motives, it might very properly be left unnoticed.

It is well, perhaps, to draw attention to the fact that this discussion originated in a positive announcement by Attorney-general Cochrane that "the waters of the Hudson, in their seaward current, debouch through both the Narrows and the Kills"; that "the Hudson-river empties itself through its two mouths, the Narrows and the Kills, into the Bay of New York"; and that "all the waters which lave Staten Island shores were, from the period of their discovery, known and accepted, and should properly now be considered, the waters of Hudson-river."

These assertions were presented and urged in a manner and form exceedingly objectionable to Jerseymen; and the writer, in reviewing the paper through which they were given to the public, exonerated his native State from the opprobrium sought to be east upon her, and, at the same time, showed conclusively that the waters referred to, West of Staten Island, could never have been recognized, and could not now be recognized, as part of the Hudson, inasmuch as *not a drop of the waters of that river passes through that channel*. The "Member of the New York Historical Society," who has come to the support of Mr. Cochrane, does not pretend to controvert this truth; "but," he says, "the question is not as to the physical facts concerning

* This paper, like all which have preceded it, in this discussion, originally appeared in *The Gazette*, a weekly newspaper published in Yonkers, in this County, under the editorial supervision, at that time, of the present Editor of THE HISTORICAL MAGAZINE; and the reader may judge with how much good taste Mr. Whitehead alluded to "the correspondent of *The Gazette*," when referring to the author of the *Review*, which had appeared as editorial, in Mr. Dawson's own paper, and over his own initials.

Mr. Whitehead also refers, sneeringly, to "the Member of the New York Historical Society," when referring to Mr. Dawson, only because, in an announcement of the forthcoming article, before it was placed in the printers' hands, it was said it would come from the pen of "a well known member of the New York Historical Society." It was no secret who was writing the *Review*; and it was printed over the initials of its author.—EDITOR.

"those waters, but, solely, the *historical character* which belongs to them." Indeed! Is not the province of history to elicit and treat of facts? Is any one class of facts less deserving of consideration than another? Can any amount of evidence, historical or otherwise, establish that which never did and never can exist? It was a "physical fact," in the days of Galileo, that the earth moved. Would the gentleman have us ignore that fact and believe it to have been a fixture in the universe, then, and to be so now, because such was its "historical character" among the Inquisitors of 1633? If facts are to be set aside as intrusive, in a historical discussion, then, indeed, was he, of old, right when he said "Read me not history for that I know is false." But, as the gentleman concedes the fact that the waters of the Hudson do not flow between Staten Island and the main land, that point, *the only one really at issue*, may be considered satisfactorily settled; and attention may be directed to the theories upon which he bases his historical disquisition.

It is unnecessary to recapitulate the grounds upon which it is attempted to ignore, as of no legal force, the Royal Grant of Charles and the transfer, by the Duke of York, to Berkeley and Carteret, in 1664, for, in reality, their existence or non-existence has little to do with the true merits of the case; but, it may be asked, if "physical facts" are expected to give way to the "historical character" of the discussion, why should not *legal doubts* be set aside, for the same reason?—particularly, as we are told, subsequently, (the Commissioners of New Jersey, in 1769, having the credit for originating the idea) that, in construing deeds and Grants, "the principles of justice require that the intent and meaning of the parties should be the governing rule of construction," for the "intent and meaning" of the Grants referred to are not questioned, even by *The Gazette's* correspondent. But the first point he makes, after ignoring these Grants, is, that the rights of John Lord Berkeley and Sir George Carteret—and, of course, those claiming through one or both of them—"were derived, SOLELY, from the Royal Charter to the Duke, dated June 29th, 1674, and from the Duke's Lease and Release to Sir George Carteret in severally dated July 28th and 29th, 1674, AND FROM NO OTHER SOURCE WHATEVER."

On this the writer joins issue with him, not only as to the fact itself, but, also, as to the conclusions based upon it, if it were a fact.

This restriction of the rights of the Proprietors of New Jersey and their assigns is made to bear, first, upon their authority to *govern* the country which had been conveyed to them. It is said, "no portion of which prerogatives" [*those derived from the King*] "affecting the Realities of

"the territory was conveyed or delegated by him to Sir George Carteret, in the Lease and Release of 'the said Tract of Land and 'Premises,' to which reference has been made, nor in any other Instrument of Conveyance or Delegation, either at that time or at any subsequent period." Now the very documents the gentleman refers to, the *Lease and Release* of the Duke, transfer New Jersey to Sir George Carteret, "IN AS FULL AND AMPLE MANNER AS THE SAME IS GRANTED UNTO THE SAID JAMES DUKE OF YORK BY THE BEFORE RECITED LETTERS PATENTS, and all the Estate, Right, Title, Interest, Benefit, Advantage, Claim, and Demand, of the said James Duke of York," etc. That is certainly emphatic language, and, as, according to the dogma endorsed by the gentleman, "the intent and meaning" of parties must be considered, irrespective of facts, when both the facts and the meaning of the parties coincide, there should be acceptance, one would think, of the results thus confirmed; and it is rather significant of what he meant, that James should never have attempted, himself, whatever his Governors of New York may have done, to exercise, or even to claim, the government of the tract he thus conveyed. Even the acts of Andros, for which he had, apparently, authority in the letter of his Commission, were repudiated by the Duke, as the "Member of the New York Historical Society" must know, if he is as familiar with the authorities as he professes to be. But if anything more is wanted to confirm this view of what were his "intent and meaning" let the following extract from a document headed "CHARLES R" be read:

" * * * We being willing and desirous to encourage the Inhabiting and Planting of the said Province, and to preserve the Peace and Welfare of all our loving subjects residing there, we do therefore hereby require you in our Name to use your utmost endeavours to prevent all Troubles and Disorders there for the future: and strictly to charge and command all Persons whatsoever inhabiting within the said Province, forthwith to yield obedience to the Laws and Government which are or shall be there established by the said Sir GEORGE CARTERET, who hath the sole Power, under us, to settle and dispose of the said Country upon such Terms and Conditions as we shall think fit, and we shall expect a ready compliance with this our Will and Pleasure from all persons, &c., &c."

This letter, which was addressed to John Berry, Deputy governor under Carteret, may be one of these facts that are to be treated "historically," and robbed of its force, because it bears the date of 13th of June, 1674, a few days

prior to the renewed Letters Patent to the Duke of York; but it is conclusive as to what were the "intent and meaning" of the first conveyances, whose existing vitality it confirms; and also, as to the sentiments of all parties concerned about the time the second Grants were perfected. But, if doubts should be entertained in regard to this, they will be expelled, presently, and, in the meanwhile, attention is asked to one document which it is rather remarkable should have been overlooked by the gentleman. Every true historical enquirer should hesitate to attribute to an opponent an intention to suppress any fact or document essential to the full consideration of any subject; and the course of the *Gazette's* correspondent, in that respect, will not, therefore, be followed; but in *New York Colonial Documents*, Vol. III.—a volume from he quotes—on page 285, will be found this letter from the "honest and wise" Sir William Jones, "the greatest man of the law," in his day, as Burnett called him:

"28 July, 1680.

"I doe hereby humbly certify that haveing heard w^h hath beene insisted upon for his Royll Highnesse to make good y^e legality of y^e demand of Five p^{er} cent from y^e inhabitants of New Jersey; I am not satisfied (by any thing that I have yet heard) that ye Duke can legally demand that or any other duty from ye inhabitants of those lands. And y^e w^h makes y^e case the stronger against his R^{oyall} H^{is} is, that these inhabitants clayme under a graunt from his Royll Highnesse to y^e Lord Berkeley and Sir George Carteret in w^h graunt there is noe reservation of any profit OR SOE MUCH AS OF JURISDICTION.

"W. JONES."

It is evident that there was no "Member of the New York Historical Society" in those days, to enlighten Sir William. A reference to the volume from which the letter is quoted will show the willingness of the Duke of York to comply with the "intent" of his Grants, as interpreted by this legal giant.

The second point made by the "Member of the New York Historical Society" is that, although James conveys "all Rivers, Mines, Minerals, Woods, Fishing, Hawking, Hunting, and Fowling, and all Royalties, Profits, Commodities and Hereditaments whatsoever, to the said Lands and Premises belonging or appertaining, with their and every of their appertainances, &c.," yet "Islands," "Soils," "Harbors" and "Marshes" which were also specifically named in the Letters Patent from the King to the Duke, are not mentioned and therefore—THEREFORE—the "historical character" of the missing items requires it to be said—"The

"Tract of Land and Premises which were thus conveyed to Sir George Carteret and the Rivers belonging or appertaining thereto, were and are, historically, all that then formed or now form, the Province or State of East Jersey; and whatever tracts of land and 'what-ever rivers' [not?] 'belonging or appertaining thereto,' which were not thus Released, and all the Islands, Soils, Harbours, Waters, and Marshes which were between Connecticut River on the East and Delaware River on the West, whether within or without the limits of East Jersey 'together with the River called 'Hudson's River' and the several prerogatives of Sovereignty which had been separately and specifically conveyed to the Duke, by the King, REMAINED WITH THE DUKE ENTIRELY UNIMPAIRED."

Poor East Jersey! How desolate! No islands, no soils, no harbors, no waters, no marshes, no quarries, (for "quarries" too were omitted,) "ALL retained by the Duke of York as part of his Colonial possessions, and are still to be considered historically!"] waters and lands of the State of New York." Mr. Cochrane concluded his paper by proposing merely to have Raritan-bay expunged from the Map, and "expelled from our physical geography, as a New Jersey heresy;" but his coadjutor seems to consider it an easy matter to absorb the whole State. Such statements do not call for refutation. They are simply and preposterously absurd, having neither facts nor "intent" to sustain them, as JAMES, HIMSELF, as we shall see, TESTIFIES, UNDER HIS OWN HAND AND SEAL.

It will have been observed the assertion is broadly made that no portion of the prerogatives granted to the Duke, by the Letters Patent of June, 1674, were transferred to the Proprietors of New Jersey in the subsequent *Lease and Release*, "nor in any other Instrument or Conveyance or Delegation, either at that time, or at any subsequent period;" and that the right of the Proprietors were "derived, SOLELY, from the Royal Charter and the Duke's Lease and Release of 1674 and from no other source," and whatever was not, by them, in expressed terms conveyed, "remained with the Duke, entirely unimpaired." If all this were so, which the writer does not admit, and Sir William Jones denies, the Duke's right to dispose of those "prerogatives," and those "islands," "waters," "quarries," etc., as he might think proper, was certainly unquestionable. Now THAT VERY THING HE DID, by his conveyance to the twenty-four Proprietors of East Jersey, on the fourteenth of March, 1682-3. With his usual courtesy, the "Member of the New York Historical Society" accuses the writer of giving a "mutilated" extract from this deed when

referring to it, on a previous occasion, although the words he particularly dwells upon, as left out—"so far as in him lieth"—were actually made the subject of comment. It is not usual to quote the whole of a document every time a portion of it may be pertinent to the subject under review, but the gentlemen shall be favored in due time with an explanation of the phrase he refers to, as well as with further extracts from the Grant itself.

In that document, the Duke sets forth, not only that he *had*, on the twenty-third and twenty-fourth of June, 1664, conveyed New Jersey to Berkeley and Carteret, (*the legal force and validity of which conveyance he affirms*) and subsequently executed the other Grants which have been referred to, *expressly*, so he says, *as he had received it from the King*, with its "islands," "soils," "marshes," etc.; but, also, that, in consequence of the partition made by the grantees of the said tract, and subsequent sale, by Sir George Carteret, of the eastern moiety, he grants and conveys anew to the then twenty-four Proprietors, in whom the title then rested, "their Heirs and Assigns all that Tract Share and Portion and all those Parts Shares and Portions of all that entire Tract of Land, and all those entire Premises so granted to his said Royal Highness, * * * called by the Name of East New Jersey together with ~~the~~ all ISLANDS BAYS Rivers WATERS Ports Mines Minerals QUARRIES Royalties Franchises and appertinances whatsoever to the same belonging, or in any wise appertaining, &c., ~~as~~ as also the ~~the~~ free use of all Bays Rivers and Waters leading unto or lying between the said Premises, or any of them, in the said Parts of East New Jersey, for Navigation, free Trade, Fishing or otherwise ~~and~~ To HAVE AND TO HOLD &c to improve and plant the said Premises with People and to exercise ~~the~~ all necessary Government ~~and~~ therein, whereby the Premises may be the better improved does and doth by these Presents give grant assign and transfer unto the said" [naming the twenty-four] "their Heirs and Assigns, Proprietors of the said Province of East New Jersey aforesaid, for the Time being ~~the~~ all and every such AND THE SAME Powers, Authorities, Jurisdictions, Governments, and other Matters and Things whatsoever which by the said respective recited Letters Patents, or either of them, are or were granted, or intended to be granted, to be exercised by his said Royal Highness his Heirs Assigns Deputies Officers or Agents in or upon, or in Relation unto the said Premises &c." ~~and~~

What rights of property, what prerogatives, pray, are retained here by the Duke, to become "historically" or in any other *Pickwickian*

sense, united to New York? And see, too, what Charles himself said in confirmation of this last-mentioned conveyance, "His Majesty doth hereby declare his Royal Will and Pleasure, and doth strictly charge and command the Planters and Inhabitants, and all other Persons concerned in the said Province of East New Jersey, that they do submit and give all due obedience to the Laws and Government of the said Grantees their Heirs and Assigns, as absolute Proprietors and Governors thereof, &c." This was under date of November, 1688. Need anything more be said to show how entirely at variance with the facts is this "historical" theory?

The writer's mode of disposing of Mr. Cochrane's arguments, based upon a passage in Ogilby's *History of America*, does not meet the approval of the "Member of the New York Historical Society;" and it is probable no greater satisfaction will be felt with the opinions he may express respecting the use made of that work by the gentleman himself.

It is somewhat remarkable that such peculiar stress should be laid upon a single paragraph written by one who was never on this side of the Atlantic, whose ears were open to any "old wives fables," and his pen as ready to record them, and whose sole authority for the details of his map was the imperfect ones of Vischer and Vander Donck; but, in a theory which discards "physical facts," it may be consistent to accept, as all sufficient authority, one whose knowledge of the waters he describes warrants him in presenting Long Island Sound as one of the mouths of the Hudson!! But as his "elegant map" leaves out all appellations for the waters of Sandy Hook, and for convenience has the name of "the Groote River" and its numerous aliases out at sea, just as it places "Zuydt River" off the capes of Delaware, Ogilby is considered an authority of the first grade, omission to confer distinctive titles upon the waters which are the subject of discussion being regarded by the gentleman, as it was by Mr. Cochrane, much better evidence of the "intent and meaning" of parties than positive conferment of definite appellations. It is probable, however, that had his map been on a large scale he would have given to the waters within Sandy Hook their specific title, as did Vander Donck.

In this connection the writer feels bound to notice and pointedly condemn the unwarrantable accusation brought by the gentleman, against the New Jersey Historical Society, of having mutilated, for sinister purposes, the portion of the map of Vander Donck inserted in the first volume of their *Collections*. He says "while the words 'Port May' and 'Godyns Bay' have

"been VERY DISTINCTLY inserted in the proper place, the names of the 'GROOTE RIVER' OUTSIDE of the former have BEEN STUDIOUSLY OMITTED, and Vander Donck has been FORCED to say nothing whatever concerning the Hudson, either at its mouth, at Sandy Hook, or elsewhere. The capitals and italics are the gentleman's own, and a cause which seeks for aid through the effect of such imputations must be inherently weak. He knows that the map inserted in the volume referred to is only one-third of the original—just so much of it as could be brought within the limits of an octavo page, four inches by seven—and the reason why the names he refers to were not on it, was, without doubt, the same with that, the writer has had the charity to suppose, which prevented Ogilby's inserting the names for the bay, the "physical fact" that there was no room for them, if the character of the map as a *fac simile* (as far as it went) were preserved. The implication, that the New Jersey Historical Society "has quailed before the testimony," afforded by the original map, to the North River's emptying into the ocean, is simply ridiculous. It may be safely affirmed that the Society will never be driven to ignore "physical facts" to establish any historical theory.

The *Gazette's* correspondent has devoted much time and labor to verifying an opinion, expressed by the writer, on a previous occasion, that "with a little research a few like instances" [to those adduced by Mr. Cochrane] "might be discovered," of the application of the general title of "Bay of the North River" to the expanse of waters between Sandy Hook and Staten Island. He has supplied "a few like instances," three or four in number, which establish nothing new, and do not controvert the fact that, what thus occasionally received a general appellation was at the same time considered, from its characteristics, devisable into smaller portions bearing specific titles. He has, besides, made diligent search among the contents of "Old Time's drag-net," and rescued from oblivion, perhaps, a score or more of extracts to prove—what? that the waters of the Hudson enter into the ocean at Sandy Hook!

It is a favorite mode of procedure, with some disputants, to set up some fanciful and weak edifice of their own, which they would have the world believe is an antagonist's selected stronghold, and then to take great credit to themselves for demolishing it with ease. Such seems to have been the course of the "Member of the New York Historical Society," for the writer would remind his readers, that there has been no attempt on his part to controvert the "physical fact" that the waters of the Hudson mingle with those of the ocean at Sandy Hook. That

is a truth recognized by the terms of all the Grants which make the eastern boundary of New Jersey "the main sea and Hudson's River;" and he is not aware of any other way in which the two can meet, unless the gentleman's favorite authority, Ogilby, be followed, and the junction be effected *via* Long Island Sound—the other mouth of the River! It is the *homogeneous character* of the waters filling "the Bay," and losing themselves in the Atlantic, at that point, which is denied; and *that*, he believes, is a position impregnable to the attacks of any "historical" theory. But their dissimilar character is one of the "physical facts" which Mr. Cochrane and his coadjutor would ignore; the Hudson and the Hudson *alone* is to be recognized in all those waters; the peculiar influences to which it has been subjected in its passage to the ocean having very materially increased its powers of appropriation and absorption, so that nothing in the shape of water can withstand its voracity—so fittingly symbolized by its "two mouths."

Notwithstanding that Hudson himself, in the "narrow River to the westward," having different tides and currents, discovered a stream distinct from the river he subsequently ascended—although, from that time to the present, that distinction has been recognized by the retaining of the "baptismal names" conferred at first, such as "Kill van Coll;" "the Kills," "the Sea," or "the river which parts Staten Island and the Main," "the Sound;" "Raritan Bay;" "Sandy Hook Bay," &c., names called for by the position and physical character of the waters; and that, too, without any deviation from the practice, excepting by a few individuals, in a few instances, during the period when the New York authorities were prosecuting their fruitless attempt to deprive New Jersey of a seaport:—notwithstanding that *every map*, conferring any title upon those waters, conforms to this this prevailing original nomenclature or confers other distinctive appellations, entirely at variance with the idea that they were ever considered identical with the waters of the Hudson:—although the Staten Island deed, which, from its locating the island "in Hudson Ryver," is so prominently presented as confirming "the character of the waters in question," although even that (despite the forced paraphrase with which its terms are accompanied in the article of *The Gazette's* correspondent) places "ye Ryver" only on "ye North" and has upon "ye South" "ye Bay"—in the face of these and numerous other facts, both physical and documentary, *The Gazette's* correspondent gravely asserts that the leading Cosmographers of the time, both English and Dutch, [meaning Ogilby and Montanus, *one copying the other*, and both believing that in the New Netherlands could be seen "a kind of

"Beast which hath some resemblance with a Horse, having cloven Feet, Shaggy Mayn, one Horn just on their Forehead, a Tail like that of a wild Hog, black Eyes and a Deer's Neck," that fed "in the nearest wildernesses," together with "Buffles" or "Elands" * * * subject "to the falling sickness," &c., &c., that these [leading Cosmographers] concurred in the opinion that the Hudson discharged its waters through two mouths, the Narrows and the Kills; whereas there is not a particle of evidence that they had ever heard of either passage. Take the gentleman's own adopted version of the extract from Montanus, so often referred to, it reads thus: "Among the streams the Manhattan, or Great River, is by far the chiefest, as with two wide mouths washing the mighty Island *Matouoacs*" [not Staten Island, be it observed] "it empties into the Ocean. The Southern mouth is named Port May or Godyns Bays; midway lies the Staten Island and little higher the Manhattan," &c. What is there in this passage to warrant any such statement as that above, as to the opinion of these "leading Cosmographers?" It is impugning the intelligence of the settlers of New Netherland to make these writers exponents of the extent of their knowledge respecting the Province. As early as 1656, Vander Donck, after having examined the localities for himself, placed the mouth of the Hudson at its junction with the East River; and Egbert Benson and the other New York Commissioners, in 1807, frankly acknowledged that such was the "common conception in regard to it;" and by the way, those gentlemen were so little satisfied with the modern "historical character" of the waters West of the island that they labored to establish that channel as an arm of the "main sea," connecting with Hudson River in the upper bay! In January, 1664, the Chamber at Amsterdam, was so much better informed about the River than Montanus was, seven years later, that we find it corresponding with the Directors and Council at New Amsterdam in relation to the "defensible condition of the mouth of the river, both on Staten and Long Island,"—(*New York Colonial Documents*, ii., 218.)—and it is evident that, ten years after Montanus wrote, the localities were not much changed from what they were in 1656 and 1664, as we find Governor Andros, in December, 1681, mentioning Staten Island as situated "att the entrance or mouth of the River to New Yorke."—(*Ibid.*, iii., 310).

In this connection it must be noticed that the "Member of the New York Historical Society" has failed to exhibit a single document, or name a single map, that confers upon the waters of Staten Island the name of Hudson River, with the two or three exceptions, also adduced by Mr.

Cochrane, which have already been made the subject of comment, (in due time they will be again considered,) occurring nearly a century after the settlement, and having no value as proofs. But he should know, as well as the writer, that so far from all intelligent well-informed persons, English, Dutch, and American, in 1674, considering the Hudson's River as flowing on both sides of Staten Island, "Hudson's narrow river to the westward" and its connecting channel, southward, were uniformly referred to by other names; among the "intelligent, well-informed persons" doing so, being Governor Nicolls, who speaks of both as "the sea between Staten Island and the main" and was so ignorant of the opinions of "leading Cosmographers" as actually to make the northern boundary of some land on Staten Island, "Hudson's River and the Kill Van Cull."—(*Grant to Bollen & Co.*, December 24, 1664). Governor Andros even (IN DOCUMENTS THE GENTLEMAN HIMSELF QUOTES) calls the one "After Cull River" and the other "the Great Kill."

The reader's patience will not be tried by the barren enumeration of other Grants and other documents showing the continuous use of this nomenclature. The records of both States abound in proofs beside those the gentleman himself has furnished; and, without consulting many other works, an examination of the *Calendar of Historical Manuscripts in the office of The Secretary of State at Albany* cannot but excite surprise that he should have ventured upon the assertion that, "from an early day—as early as 1643, the waters of what we call * * * 'The Kills' * * * were considered and disposed of as waters of Hudson's River—and that, without a single adverse witness, the same opinion prevailed and the same action was continued until the surrender of the Colony to the King of Great Britain, and its transfer to the Duke of York, in July, 1674." But having, on a previous occasion, gone over this ground, the writer deems it unnecessary to traverse it again. Before passing to another topic, however, he must be permitted to notice the unwarrantable assertion that, the Map of the settled portion of East Jersey in 1682, in East Jersey under the Proprietary Government, places "Constable's Hook" at the south-western extremity of the Neck, [Bergen Neck] "to which point the waters of the Hudson would have been necessarily recognized on his" [the writer's] "own authority, had he told 'the whole Truth' of the matter." This, to say the least, is in worse taste than the accusation brought against the New Jersey Historical Society, of studiously suppressing the title of Hudson's River from the fac-simile of a part of Vander Donck's map, given in the same volume.

Others are left to designate it as their sense of propriety may dictate.

"Constable's Hook" will be found, on all maps going sufficiently into detail, to be the name from the earliest times conferred upon the northern point of the eastern entrance of the Kill Von Kull. The *Gazette's* correspondent knows this fact and understands the position of the "Hook" perfectly. The youngest tyro in geography well knows that names are placed above, or below, on the left, or on the right of the localities to be designated as convenience prompts; and it will scarcely be believed that the above grave charge is based upon the circumstance that the engraver of the map placed the name on the left of Constable's Hook extending of course from the southwestern extremity of the neck towards the Hook. If such a statement as that above quoted is warranted on such grounds, it might with equal propriety be said that Vander Donck located "New Amsterdam" on the West side of the Hudson, because the name stretches across New Jersey; or that Mr. Brodhead intended to place "Paulus Hook" on Newark Bay, or "Communipaw" on Staten Island, because their names commence at these points on his map, or that the engineers, who prepared the sketch of the Harbor of New York for the Coast Survey Report of 1857, in placing "Constable's Hook" in a similar position to that which the words occupy in the map first referred to, had some reference "to the claims of modern 'New Jersey.'" All the proofs of the Hudson's "debouching" through the channel between Staten Island and the main, which can be deduced from such puerile assertions and arguments, the "Member of the New York Historical Society" is at liberty to appropriate; and also all he may find in the fact that Bergen-county was "to contain all the settlements between Hudson's river and Hackensack River, beginning at 'Constable's Hook, and so to extend to the uppermost bounds of the Province northward, 'between the said Rivers.'" Those settlements being "Pembrepock," "Communipaw," "Paulus Hoeck," "Bergen," "Hobuk," and perhaps one or two others, the nearest, "Pembrepock," being two or three miles North of Constable's Hook.

Allusion has been made to the unbroken testimony borne by MAPS to the fact that distinctive appellations have always been borne by the waters in question, and that such appellations have never indicated any identity with Hudson River; and attention is now directed to the following schedule of a series of the more prominent among them, covering the whole period from 1614 down, upon which they appear, whenever any names are conferred.

1614. Five years after the discovery of the
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River by Hudson, appeared the first map of the country of which we have any knowledge. On it the waters are not named.

1616. Two years later we have the *Carte Figurative* referred to by Mr. Cochrane. On this, what is now known as Raritan Bay, has its distinctive title of "Sand-Bay."

1621. A Map of *America Septentrionalis Pars* was published by A. Jacobz, on which the same title appears for that bay.

1631. An Italian Map by Lucini, supposed to be of this date, has on it "Sand Bay Golfo" to designate the same waters.

In 1648, as appears from *Plantagenet's New Albion*, (p 48.) the bay was known as "Sand-bay Sea;" and subsequently, as has been seen in this discussion, it became known, wholly or in part, as "Coenraed's Bay" (as in the map of Joannes Jansones, of uncertain date,) "Port May," "Godyns Bay," etc., and in—

1656. On Vander Donck's Map, the waters between Sandy Hook and Staten Island are named "Port May or Godyns Bay;" and so are they on a somewhat later Map by Matthæi Seutteri.

1671. Ogilby's and Montanus' Map gives no names to the waters within Sandy Hook, but by titles outside indicates that the Hudson River there empties itself in the ocean.

1683. In this year John Reid was sent from England for the purpose of surveying a portion of East Jersey, and we have the result of his labors, in part, in *A Mapp of Rariton River, Milstone River, South River, Raraway River, Bound Brook, Green Brook, & Cedar Brook*, with the *Plantations thereupon, &c., &c.* On this valuable illustrative document, appearing thus opportunely, being contemporaneous with the last Grant of the Duke of York to the Twenty-four Proprietors, we have the "The Sound," between Staten Island and the Main, and for the waters South of the Island, "Part of Rariton Bay."

From the appearance of Reid's Map, down to the Revolution, on all maps giving any titles to these waters, the same system of nomenclature is followed: on some of them "Sandy Hook Bay" appearing in connection with "Raritan Bay." The best of these were the following:

1760. Captain Holland's Map of *New York, New Jersey and part of Pennsylvania*; and, in—

1776. Governor Pownall's improved edition of the same map. On both of these we have "Raritan Bay," and on the last, in addition, "Sandy Hook Bay," "the Sound," and "the Kills."

1779. With this year came the highly finished Map of the *Province of New York*, by Claude Joseph Sauthier, "compiled from actual

"surveys deposited in the Patent Office at *New York*," on which we find that "the infectious waters of the Raritan" are allowed full sweep, as well as "Sandy Hook Bay," and "the Kills;" and "York Bay," has the position of the present "Lower Bay."

In 1778 and again in 1780 the French Government issued correct and well-executed maps of these waters, upon which appear the same intrusive titles.

It is unnecessary to trace this series of proofs to a later period. It is evident that these distinctive appellations did not originate in modern times, were not the result of "accumulating ignorance," as asserted by Mr. Cochrane, or of any "design" except to name distinctly, and distinguish properly, the waters to which they apply; and if not universally acknowledged, as correctly applied, why is it that *not one map* can be found, the maker of which, has been willing to stultify himself so far as to identify those waters with Hudson River, by conferring its name upon them? All *geographers*, "leading" or otherwise, have thus endorsed the "physical fact" that Hudson's River "debouches" only through the channel eastward of Staten Island; and one, if not more—Homann of Nuremberg—who lived about the middle of the seventeenth century, with a "design," evidently, to sustain "the claims of modern New Jersey," actually colors Staten Island with the same tint he gives New Jersey. A sensible fellow was Homann: he believed in "physical facts," and did not adopt for a text book, either Montanus or Ogilby.

Whether previously initiated or not, into the mysterious processes of absorption, by which sundry portions of New Jersey, as such, have disappeared from view, every one attending to this discussion will have seen that a failure to establish the existence, "historically," of what the natural configuration of the land and water has made *physically impossible*, necessarily involves the destruction of any theoretical attempt to account, on moral or legal grounds, for the possession of Staten Island by New York, except through the concessions of the inter-State Treaty of 1833. So clear are the terms of the Grants as regards *all* lands *West* of Hudson's River that, unless it can be made to run "historically" where it does *not* run naturally, there cannot be a shadow of pretence to title save by the effect of that instrument. Hence the anxiety to establish that point; but, in order to lessen the effect of incontrovertible facts which prevent such a result, many irrelevant matters which have been introduced, to confuse the enquirer after truth, leading to a wonderful array of so-called authorities having little or no reference to the

simple proposition of Mr. Cochrane, the refutation of which is admitted. To enter upon an examination of all these would entail upon the writer a vast amount of labor, with no possible accruing advantage to the reader. Two or three points, however, thought by *The Gazette's* correspondent to be of particular importance will be noticed, to show how, in reference to them as to every thing else, he has failed to establish his views.

He raises for example another flimsy structure, and making a great demonstration, brings column upon column to bear upon it, as if the fanciful assumptions and imaginary positions he combats as entering into its composition, originated with, or were verily taken by Jerseymen: expending an immense amount of labor in proving that Staten Island has always been in the possession and under the jurisdiction of New York. Who doubts it? *That* is certainly an "historical" fact which no one questions. If it had not been, whence and to what end, this discussion? The writer concedes the point fully, and thereby saves himself and his readers an interminable journey through a labyrinth of contradictory statements and conflicting authorities, which the gentleman has skilfully planned—and within which he is left to rove by himself at his pleasure. Staten Island has always been in the possession of New York, despite of every proper interpretation of the Grants to New Jersey, and having shown that the course of the Hudson is on the eastern side of the island, the unjustifiable character of that possession is fully established.

An attempt is made to substantiate Mr. Cochrane's assertion that the "initiation of New Jersey's enterprising encroachments" upon Staten Island, took place in 1681; although such an assertion is entirely inconsistent with the fact, as it is claimed to be, that the island was "adjudged" to New York in 1669. How happens it that, as shown by the gentleman himself, Governor Carteret should have made a "contingent Grant of land on Staten Island," in 1668, if no claim to it was set up before 1681? How happens it that Governor Nicolls should have annouced the item of intelligence he did if the question of title was not then in abeyance?

The writer regrets that he is obliged to differ from his friend Mr. Brodhead, as to the importance to be attached to the statement of Governor Nicolls. It is with diffidence that he presumes to question the deductions of one so well informed upon all points of our colonial history, but he nevertheless is of the opinion that, while unsupported by any corroborative testimony, Nicolls's declaration, when his position is considered, amounts to nothing in the face of constantly recurring indications of a still asserted, unabandoned title to the island on the part of

New Jersey. It is a noticeable fact also that, when the claim was more vigorously prosecuted, not the slightest reference is made by any one to this authoritative settlement of the question, years before. On a previous occasion it was satisfactorily shown that the peculiar position in which Governor Carteret was placed on his arrival at Elizabethtown, in 1665, the subsequent attempt at an exchange of territory, the reconquest by the Dutch and the temporary reestablishment of their authority, and other causes, operated to postpone any positive enforcement of the right of New Jersey; but though dormant it was ever considered valid, and was never surrendered until 1833. The wise course of the Provincial authorities in avoiding all collisions with New York by refraining from any forcible attempt to obtain possession, which would, undoubtedly, have proved fruitless from the greater power of that Province, and in not pretending to a *quasi* possession by erecting the island into a County, in 1683, is now assumed to be "a very significant fact," arguing that "Staten Island" was not considered at that time a part of New Jersey even by its own Assembly." Under the benign teachings of New York, it is not likely that New Jersey will ever be guilty again of such a mistake as not to resist aggression from the start.

It is a circumstance worthy of note, that not a document is known to exist signed by the Duke of York, himself, which calls in question the right of the Proprietors of East Jersey to the island: and not one, professedly issued under his authority, can bear any such interpretation, for more than twenty years after the transfer of Berkeley and Carteret, and then not until his relations to New Jersey, as we shall see, were materially changed. He was ever ready to confirm his original Grant of *all the lands West of Long Island and Manhattan Island*, and document after document was issued for that purpose; for whatever may have been his faults and vices, and great they undoubtedly were, it is conceded that the Duke was sincere in his friendships. Those who would feign convince themselves and others that "the opiates of John Scot artfully discharged upon his drowsed senses," or any other influences foreign to his own unbiased inclinations, moved him to part with New Jersey, forget or overlook the close relations existing between him and both Berkeley and Carteret—the former his Governor in youth and associate officially and otherwise through life; the latter one of his most intimate and constant companions, of whose hospitality he frequently partook—which led him to refrain from any act that could be construed as unfavorable to their interests. Through good and through evil repute he appears to have ever been true to them. What

greater evidence could he have given of his disposition to quiet any adverse pretensions to New Jersey, or of his "intent or meaning" in relation thereto, than the repeated Grants by which he confirmed the original transfer? Note, too, the prompt repudiation of Andros's proceedings towards Governor Carteret, and the granting of the deed to the younger Sir George, in 1680, (of which more hereafter,) immediately on receiving Sir William Jones's opinion, to which reference has been already made, that, under the Grants to Berkeley and Carteret there was "no reservation of any profit or soe much as of Jurisdiction." Which opinion, by the way, and the action of the Duke under it, explains the circumstances leading to the passage of the Act by the New Jersey Assembly, in 1679, which *The Gazette's* correspondent so laboriously misconstrues as manifesting "without complaint or dissent * * * a degree of resignation to an unavailable fate, consistent only with a corresponding knowledge that resistance to that fate would be useless, that the jurisdiction of the Duke and his servants over those waters was unquestionable." Well, it *did not remain unquestionable very long as Sir William Jones and the Duke made manifest*. The Act referred to, guaranteed from loss, to the extent of £150., the owners of any vessel that "should be by any of the Government of New York arrested, detained, condemned and bona fide made prize of, for the only cause of trading in this Province and not entering and clearing at New York, &c.,," which was nothing more nor less than one mode of doing what the Merchants of New York did themselves, viz: opposing the payment of the Customs imposed by the Duke;—(*See Colonial Documents*, ii., 217, 246, 286, 289, &c.)—only with far greater reason, inasmuch, as Sir William Jones says, the Duke had reserved in New Jersey "neither profit or Jurisdiction." Yet the "Member of the New York Historical Society" devotes a whole column to prove that this action of the New Jersey Assembly, so consistent with a proper regard for their rights and calculated to bring about a legal decision thereon, was an admission of the jurisdiction of the Duke of York and his servants over "the waters in question."

Returning from this digression let it be noted that in all the Grants of the Duke of York, New Jersey included *all the lands West of Long Island and Manhattan Island* and its eastern boundary is ever the same—the main sea and Hudson's River. As it was in 1664, so was it in 1672; so was it in 1674; so was it in 1680; so was it in 1682; so was it in 1683. It was certainly ever his "intent and meaning" that the veritable Hudson, wherever it might really run, and not any other stream so baptized for a purpose, was

to be the boundary; and he could find no land West of Long Island and Manhattan Island which was not *also* West of the river. Is it at all probable that, in the face of a continued claim to Staten Island, such a material deviation from that line, as its excision from the lands originally conveyed, should have been intended by him without some indications of it appearing in a change of the description? It is very evident from the correspondence of Governor Carteret with the Governor of New York, in 1681, in which the claim to possession is so distinctly made, that a more definite understanding with the Duke of York in relation thereto had been arrived at during the preceding year. And this is confirmed by the letter of Sir John Worden, the Duke's Secretary, written to Governor Andros on the sixth of November, 1680, which has been before alluded to. He informs the Governor that his Royal Highness had been pleased "to confirme and release to the Proprietors of "both moieties of New Jersey *all their and his "right to ANYTHING besides the rest reserved "which HERETOFORE MAY HAVE BEEN DOUBTFUL, "whether as to government, or public duties in "or from the places within their Grants."* This had reference to the deed to be prepared for Sir George Carteret the younger—but as has been already demonstrated, it is not necessary to go further back than the date of the deed to the Twenty-four Proprietors, in 1682. This was granted in accordance with the request of the Earl of Perth—(*Colonial Documents*, iii., 829)—for the express purpose, as stated in the instrument itself, of "*better extinguishing all such "claims and demands as his said Royal Highness, or his Heirs might anywise have" to East Jersey.* The peculiar fullness of this Grant has been already made the subject of comment, but inasmuch as the "Member of the New "York Historical Society" has discovered some flaws therein, *which have escaped the learning and acumen of all the statesmen and lawyers of both England and America*, it is well to refer to the document again. The gentleman recognizes the fullness of the rights and powers granted, but observing that the Duke in conveying them uses the phrase "so far as in him lyeth," he considers the whole Instrument simply as the Duke's "confirmation, as Lord Paramount of the County," [or *Meane Lord as he subsequently styles him*] "of the change of Lessees of East Jersey "and his PERMISSION TO NAVIGATE THE WATERS "LEADING UNTO OR LYING BETWEEN" THE "LANDS THUS LEASED TO THE PROPRIETORS, "FROM WHICH THE FORMER LESSEES HAD BEEN "CAREFULLY EXCLUDED." This exclusion is denied; but how confirmatory, is this very admission of the gentleman, of the fact that the Duke was desirous to remove all grounds of disputa-

tion as to the rights of the Proprietors. But it is said that he had already granted all these privileges to the younger Sir George and therefore had nothing left to convey. Let us unravel the truth of the matter,

It will be remembered that it was broadly asserted that "all islands," "bays," "marshes," "soils," and various other concomitants of East Jersey had not been conveyed by the deed of 1674 because not specially enumerated, yet no one can doubt the "intention" of the Duke of York to convey all the Lands West of Long Island and Manhattan Island and all belonging to them as fully as he had himself received them from the Crown; and it is somewhat curious that the Duke's Secretary in writing to William Penn—(*New York Colonial Documents*, iii., 280)—should have expressly nullified any such doctrine as that the failure to specify islands necessarily left them unconveyed—"neither can "I Judge," said he, referring to Penn's Grant, "how far such an enumeration of particulars "can include any more than y^e gen^l Boundar- "yes doe"—the insertion of "isles," subsequently, not necessarily adding any thing to the limits of the Grant. But, notwithstanding the assertion made by the "Member of the New "York Historical Society," at the outset, that these items of property were *never* relinquished by the Duke, we find him subsequently admitting that *they were transferred* to Sir George Carteret's grandson and heir, in 1680; an admission forced from him by the dilemma in which he is placed by the fullness of the Grant to the Twenty-four proprietors. Unless those rights which he claimed to be remaining "with the Duke, "entirely unimpaired," could be got rid of, there was no way of avoiding the fact of their transfer to the Twenty-four. It will be seen how slight an impediment to their title was this presumed prior Grant.

There seems to be room for little doubt that the discussion of the Customs question and the decision of Sir William Jones had drawn the attention of the Duke's legal advisers to some of the dicta respecting the rights of parties having a navigable stream for a common boundary, and among them the plain proposition that even when the right of jurisdiction between two countries or States thus situated extends to the middle of the stream only, *the right to use the whole stream* for the purposes of navigation, trade, and passage, must exist as a right common to both parties whether expressly granted or not; for in the Grant to the younger Sir George, and subsequently in that to the Twenty-four proprietors, the Duke not only conveyed the Islands, Bays, Rivers, Waters, &c., but adds "*as also the free "use of all Bayes, Rivers and Waters leading "unto or lying between them;"* in this, as in all

the other documents emanating from him, manifesting his desire to remove all grounds for cavilling or disagreement. No matter whether the principles of maritime law gave the privilege or not, he was willing the Grant should be made so plain that all might understand his "meaning and intent."

Sir George Carteret in his Will "to the intent" he said "That my Debts, Funeral Charges, Gifts, and Legacies, may be effectually paid"—gave to five distinguished courtiers, "their Heirs, Executors, and Administrators, the whole Estate, Interest, Term and Terms, for years or otherwise, which I or any other person or persons in trust for me have or hath" * * * [along with other property] * * * "all my Plantations in New Jersey" * * * upon this Trust "and Confidence that they and the survivor or survivors of them, &c., * * * do make sale of all the said premises, and out of y^e Moneys that shall arise upon such sale, pay and discharge such of my said debts, &c."—any surplus to be for the benefit and advantage of his grandson, George, the son of his deceased son, Philip.

Sir George died early in 1679 and his Trustees, on the fifth or sixth of March, 1680, conveyed his "Plantations in New Jersey," to Thomas Cremer and Thomas Pocock. The precise terms and object of this transfer are not known as the instrument itself has not come down to us, but it is evident that it was considered as vesting in them the full title to the Province. It appears also that for some time its existence was not known to Lady Elizabeth Carteret or the Duke of York, or the latter would not, in September, 1680, have made the Grant he did at that time to Sir George's heir. That Grant, as we have seen, was issued by him of his own accord, without any prompting from any one, certainly without the knowledge of his Trustees, purely out of regard for the interests of the family of his old friend, Sir George, he having previously given a new Grant of similar import for West Jersey. Although the document was communicated by Lady Elizabeth to Governor Carteret, and made the basis of his action in 1681, as before adverted to, yet it was rendered inoperative by the fact that the title to the Province had been for some months in other parties, and the "Member of the New York Historical Society" is the first person in either hemisphere that has considered it as possessing any legal force. The Trustees of Sir George—including the Earl of Bath, the young Sir George's father-in-law, who would be likely to appreciate the value of such a document, if it had any—the Earl of Sandwich, his maternal grandfather—Messrs. Cremer and Pocock, Lady Elizabeth Carteret, the original twelve Proprietors, the second twelve, and the

Duke of York himself all ignored the document by the execution and acceptance of the deed of March 14, 1682, in which they interchangeably, under their hands and seals, certify to all the prior Grants, connected with the Province, but among which the deed of 1680 does not appear. Moreover a document from the Board of Trade, to which is appended the names of Sir Philip Meadows, Sir John Pollixfen, Abraham Hill, and Matthew Prior, whose acts—judging from the credence *The Gazette's* correspondent gives to them—are worthy of consideration, gives the following endorsement of the deed of 1682: "He the said Duke of York did by Indenture dated the sixth day of August, 1680, grant and confirm the Province of West New Jersey with all the Appurtenances thereunto belonging to Edw Byllinge, &c., * * * and did in like manner by Indenture dated the 4th day of March, 1682," [nothing being said of the deed to Sir George the younger,] "grant and confirm the Province of East New Jersey, with all the Appurtenances thereunto belonging, to James Earl of Perth, William Penn, Esq., and several other persons, in whom the title to the same then was, and to their Heirs and Assigns forever—and by each of the said Indentures did likewise give, grant and assign unto the aforesaid respective Grantees or assigns, ALL AND EVERY SUCH, AND THE SAME POWERS, AUTHORITIES, JURISDICTIONS, GOVERNMENTS, AND OTHER MATTERS AND THINGS WHATSOEVER, which by the forementioned respective Letters Patents, or either of them, were granted or intended to be granted to be exercised by him the said Duke of York his Heirs, Assigns, Deputy Officers or Agents."—(Leaming & Spicer, 603.)

But how about the phrase "So far as in him lieth?" If anything more than a legal technicality, it simply means this: that the Duke having already conveyed the whole of New Jersey in common to Berkeley and Carteret, as joint tenants, and had subsequently given deeds in severalty for both East and West Jersey, with different boundaries, the propriety of his giving another deed to other parties might be questionable. But the writer is happy to furnish a solution of the problem by the Commissioners of New Jersey in 1769, the gentlemen whom *The Gazette's* correspondent compliments for their good judgment. They say, in their Brief, (p. 21):

"In 1682, East New Jersey became vested in Twenty-four Proprietors, who thought proper to procure the Duke's Confirmation to them. In this Confirmation, the Duke recites his first Grant to Berkley and Carteret, and the partition of New Jersey, and, 'as far as in him lieth,' grants and confirms to the Twenty-four

"Proprietors, all that Part, Share and Portion, and all those Parts, Shares and Portions, of all that entire tract of Land and all those entire Premises, so granted by his Royal Highness unto the said John Lord Berkley and Sir George Carteret, and their Heirs, as in, by, and upon the said Partition, was and were vested in the said Sir George Carteret; so that the words 'so far as in him lieth' did not imply any Doubt in the Duke, whether he had authority so far; but whether he had a right to grant at all, as he had before conveyed all New Jersey to Berkley and Carteret," &c.

But why should the patience of the reader be longer trifled with to establish what no Court in Christendom has never doubted—and the document has stood the test of an examination by the most distinguished on both sides of the Atlantic—the validity, to the full extent of its tenor, of the Grant to the Twenty-four Proprietors. "Historically" and legally, it will stand unaffected by any assaults from those, who finding in its ample provisions a most perfect title to all the lands "lying and being to the westward of Long Island and Manhattan Island," would strive to ignore its efficiency by new discoveries in law and physics.

Naturalists tell us that some odd fishes, when endeavoring to flee from some corner into which they may have been driven, have the faculty of ejecting into the waters an extraneous substance, which enshrouds them in such obscurity, and so befogs both pursuers and spectators, that they escape detention. Such seems to have been the intention of the "Member of the New York Historical Society," on introducing, towards the close of his article, the subject of the right of the Province of East Jersey to a sea-port. But he will meet with as little success through this device as through others he has adopted. He cannot be allowed to escape in a mist of his own creation, when it is composed of such materials as the following statement: "The Proprietors, whose principal purpose in purchasing the lands and settling them was to make themselves independent on matters of Government of all other persons," [not certainly of the Crown, for the right of appeal was expressly provided for] "abandoned the project, and surrendered their 'pretended rights' to the Queen: while Perth Amboy was 'overshadowed' by New York," and New Jersey, ON ALL MATTERS OF COMMERCE, THENCEFORTH, BECAME IN FACT AS WELL AS IN LAW ENTIRELY SUBORDINATE TO NEW YORK."

The writer has no desire to draw upon the courteous vocabulary of *The Gazette's* correspondent. It is presumed from his animadversions upon others that he never "suppresses," never "mutilates," never hesitates to tell "the

"whole truth," never "quails" at any adverse testimony, and it may therefore be attributed to an oversight merely that he should not have discovered and communicated to his readers the fact that IN EVERY CASE in which the right of East Jersey to a sea-port was endeavored to be wrenched from her, THAT RIGHT WAS ESTABLISHED—and EVERY ATTEMPT on the part of New York to impose restrictions upon her Commerce, however successful for a time, through superior force, proved eventually abortive. A statement to this effect has already been made, but it seems a more thorough refutation is needed.

The first occasion on which the rights of East Jersey in these respects were attempted to be encroached upon by New York was, as we have seen, during the administration of Andros, in 1680: and we have also seen that the manoeuvres of New York were nullified by the opinion of Sir William Jones and the execution of deeds, ordered—"plainly to extinguish ye demand of any Customs, or other duties from y^m" [the Proprietors] "save y^e rent reserved as at y^e first."—(*New York Colonial Documents*, iii., 285.)

The next attempt was made by the indefatigable Dongan, in 1684, through reiterated intimations of what "might, could, would, or should be" done, to curtail the actual or presumed advantages of East Jersey. The Commissioners of the Duke of York's revenue were very willing to receive from him suggestions that might tend to increase that revenue; but, notwithstanding that the transfer of East Jersey to others naturally lessened the interest of the Duke of York in the preservation of the rights he had originally conferred, yet Dongan's devices availed little until the relations of the Duke to the Province became changed by his succeeding to the throne, as James II., early in 1685. That event emboldened Dongan greatly. He found there were "great inconveniencies in having two Governments upon one river:"—that it "would do well to look into the last Patent of East Jersey to see whether shipping bee obliged if they come into Sandy Hook to make entry at New York, and informed the Board of Trade" that "we in this Government look upon that Bay that runs into the sea at Sandy Hook to bee Hudson's River, therefore, there being a clause in my Instructions, directing me that I cause all vessels that come into Hudson's River to enter at New York, I desire to know whether his Maj^y intends thereby those vessels that come within Sandy Hook:"—and he furnishes the "Member of the New York Historical Society" with an assortment of choice extracts, which, with others of like character, are distilled in his alembic into first class authorities, although any candid and impartial historian would dis-

card them as of little weight, emanating, as they do, from the chief parties in interest, the aggressors, and being entirely *ex parte* in their nature.

Finally, Dongan becoming impatient, informs their Lordships "I caused a vessel which 'came to Amboy to come hither and enter.' The Proprietors thereupon took the liberty of complaining to the King of this manifest infringement of his own conferred privileges, and after a fruitless attempt, by the Board of Trade, to whom the matter was referred, to get rid of a decision by sending the complaint to Governor Dongan to be answered, their Lordships by an Order of Council, on the twelfth of July, 1687, were *commanded* to give the Proprietors a hearing, the result of which was the Order of Council, dated 14th of August, 1687, which the gentleman gives at length as most damaging to the East Jersey claims! *That Order, on the contrary, sustained them in every particular.* It confirmed New Perth as a Port of Entry; and Governor Dongan was delicately informed that "His Maj^y is pleased, upon further consideration, to direct us to signify his pleasure unto you that you permit all ships and vessels bound for New Perth in His Majesty's Colony of East New Jersey to goe directly thither without touching at New York or being carried thither until further order." Thus did James, the Duke of York, conform, as James II., the Grant of 1682-3, by recognizing the right of the Twenty-four Proprietors in the waters which originated this discussion. But the gentleman by his capital letters would convey the idea that this Order was a direct recognition of the authority of New York over New Jersey, because the person to collect the customs should be appointed by the Governor of New York or by "the Receiver General of His Majesty's Revenue:" losing sight of the fact that New Jersey then was, as New Jersey has ever been, an upholder of law and order, loyal and true; the Proprietors ever inculcating "submission and obedience to the King." *Four years before the issue of this Order*, they instructed their Deputy Governor "to observe the Act of Navigation, and to see that it be infringed in nothing as to what relates to the Kings Customs or otherwise."—(*Leaming and Spicer*, 171.) It was not the payment of duties to the King they objected to, but the restrictions imposed by New York upon their commercial projects; and those restrictions were ABSOLUTELY REMOVED by this Order. Thus ended the second attempt at subjugation.

The next attempt, and the last demanding notice, was made during the administration of Lord Bellamont as Governor of New York, and

furnishes the text on which *The Gazette's* correspondent hangs the erroneous commentary which has been quoted. The first steps towards this aggressive action commenced under Governor Fletcher. The Assembly of New York undertook, again, to impose duties upon the imports into East Jersey which, as Chalmers says, —(*Annals*, 626)—"could be as little supported 'by any principle of equity or law' as those denounced and abandoned in 1680; and the proceeding, of course, aroused the opposition it deserved.

In 1694, the Assembly of New Jersey—it may have been in some spirit of retaliation—passed an Act for better regulating the trade of the Province which, although duly subservient to the "Act of Trade and Navigation" conflicted with the interests of New York, much to the disturbance of Fletcher's equanimity; and he intimated to the Lords of Trade that it was the intention of the Jerseymen to make "New Perth" a free port: by which it is evident he considered the non-payment of duties to New York equivalent to paying none at all. Nothing definite, however, seems to have resulted from Fletcher's complaints, and, in 1696, the right of East Jersey to its port was recognized by the appointment, by the Commissioners of the Customs, in England, of a Collector for Amboy. The Proprietors, however, were anxious to have an end put to these constantly recurring annoyances; and, in April, 1697, they obtained from Sir Cresswell Levinz, and, in June of the same year, from Sir John Hawles—both "Crown Lawyers," and the latter subsequently an Attorney and Solicitor-general—concurrent opinions "that no customs could be 'imposed on the people of the Jerseys otherwise than by Act of Parliament or their own Assembly.'" —(*Chalmers' Annals*, 626; *Analytical Index*, *New Jersey Documents*, 15, 16; *East Jersey under the Proprietors*, 141, &c.; *Contributions to East Jersey History*, 295.)—For several months, the various officers of the Crown were pressed for some ultimate and decisive action which might relieve New Jersey from the aggressions of New York, with varying success. There was evidently a wide difference of opinion among these functionaries; for while in one month, October, 1697, the Commissioners of Customs ordered Mr. Randolph, the Surveyor-general of Customs in America, to appoint officers to collect duties at both Amboy and Burlington—thus *sanctioning*, as Lord Bellamont says, in one of his dispatches, the establishing of two Ports that were to prove "a destruction to the trade of New York"—the next month, November, the Council, upon a representation from the Board of Trade, issued the Order, upon

which the "member of the New York Historical Society" dilates, denying the privileges of a port to Amboy, and exhibiting greater ignorance of the localities than the presumed intelligence of the members would lead us to consider possible. But there was an object in view to effect which the means employed, needed not, they thought, to be closely criticised. With the flight of James II. from England, in December, 1688, and the recognition of William III. as the Sovereign, in February, 1689, old things had passed away, all, so far as the personal relations of the Sovereign to New Jersey were concerned, assumed a new aspect. The questions in which she was interested had not reference thereafter so much to titles to, and boundaries of, the domain conveyed by the Duke of York, as to the extent of the sovereignty he had a right to transfer with that domain. The surrender of the *Government* to the Crown was the object sought; and hence arose many of the delays and disappointments to which the Proprietors were subjected, in relation to the Port question: they "thought it best to join both together," as the Lords of Trade said, in one of their letters to Lord Bellamont, supposing that rather than endanger the one the Proprietors would abandon the other, but their schemes were destined to be frustrated: for although the Government was eventually surrendered by the Proprietors, their right to the Ports was *previously conceded and legally established*. It came about in this wise. The Instructions of Lord Bellamont, who entered upon his duties in April, 1698, were in accordance with the views enunciated by the Council, as above stated; and he bent all his energies to enforcing them. Governor Basse, in New Jersey, as firmly asserted the rights of that Province; and his bold determination to sustain them seems to have excited no little surprise among the officials in England. The intelligence of his refusal to heed the Order of Council, reached Secretary Popple, in December. He at once wished to know what the Lords of the Treasury had heard about it; and was desirous to have the Commissioners of the Customs inform the Board of Trade to what conclusions they had come. Well, in February, 1698, the Commissioners came to the same conclusion they had evidently arrived at before, that the inhabitants of East Jersey *should be released from the payment of duties to New York*. In March, Mr. Secretary expressed a wish that the Lords of the Treasury would inform him what they intended to do, and eventually—not to prolong the narrative unnecessarily—that course was adopted which was entirely in accordance with the wishes of the Proprietors, leading to a result DIRECTLY OPPOSED to the opinions of the

Lords of Trade, for which they are so highly complimented by *The Gazette's* correspondent. "A careful perusal of the 'opinion' of the 'Board of Trade,' says the gentleman, "and of his Majesty's Order in Council *which was based on that 'opinion'* would shed some light "on the ridiculous pretences of some who have "assumed to speak in behalf of the 'pretended rights' of East Jersey, on other subjects "as well as on this." Indeed! Well, an opportunity was afforded, not long after the circumstances about narrated, to a dignified body in Westminster Hall, to "peruse" that opinion, and to *express an opinion* upon it; and we will see what light *that* opinion shed "on the ridiculous pretences of some."

Lord Bellamont, "feeling himself sure of his "Majesty's" support, commenced a course of procedure which resulted in the forcible seizure of a vessel belonging to Governor Basse himself, lying in the harbor of Amboy. A suit was brought in the *Court of King's Bench*, to recover damages for this illegal seizure, in which the whole question as to the right of East Jersey to a port was discussed; and the Court so far from finding that "the rights and privileges of "New York" had been "infringed" rendered a *verdict, in favor of Basse*, for several thousands of pounds. Lord Bellamont therefore found it necessary to change the tone of his correspondence considerably. "Your Lordships' directions "to me," he wrote in October, 1700, "will not "will not now need to be complied with, *since "the Proprietors have carried the cause in Westminster Hall* and OBTAINED A FREEDOM OF "PORT FOR PERTH AMBOY;" and again in November, he said, "Mr. Basse has had great "good fortune in his trial, upon the account of "my seizing the Ship *Hester*, at Perth Amboy "in East Jersey, to have recovered *such great "damages of the King* * * * with what "conscience such extravagant damages were "awarded for that ship is more proper for your "Lordships' enquiry than mine." Doubtless their Lordships did enquire, and became satisfied that New York had not, "within the capes," the supremacy they had been foolish enough to claim for them. Thus was the right of the Proprietors of New Jersey to the full enjoyment of Commercial Ports within their respective Provinces FULLY ESTABLISHED, and what becomes of the arrogant assumption of the "Member of the "New York Historical Society" that "*New Jersey, on all matters of commerce, thenceforth,*" [after the order of November, 1697,] "*became, "in fact, as well as in law, ENTIRELY SUBORDINATE TO NEW YORK?*" On the contrary, from that time to the present there has not been a period in which the commercial relations of East Jersey have not been *entirely independent of*

New York, being subordinate only to the will of the common Sovereign.

The writer has not thought it necessary to burden his pages with reference to authorities for all the individual facts stated, bearing upon this point as, (thanks to Dr. O'Callaghan's well-constructed Index) those not supported by the specified works he has referred to may be *readily* found sustained by *overlooked* pages of the *New York Colonial Documents*. Neither has he thought it necessary to enter upon a discussion as to the precise *nature* of the title given by the Duke of York to the grantees of East Jersey, as the question has nothing to do with the matter at issue. He will say however, for the satisfaction of *The Gazette's* correspondent, that if in error (as he may have been, not being "learned in the law") in styling that title a "fee simple," he was led into it *by the Duke of York himself*, who states, in his Grant to George Carteret the younger, that the "*fee simple of Lord Berkley's Moyetye*" was at that time in Messrs. Penn, Laurie, and Lucas. Both moieties were held by the same tenure, and the Duke or his legal advisers, therefore, *intended* to conveyed a fee simple title or those individuals could not have had one. "Intent and meaning," it will be remembered, were to receive particular *attention* in this discussion. But as to this matter of title it is enough to know that "ALL the lands to the westward of Long Island and Manhattan Island" with their "islands, bays, rivers, waters, &c.," and the "free use of all bays, rivers, and waters leading into or lying between the said premises" were conveyed, or, if it suits the gentleman better, were *intended* to be conveyed, by the Duke, "IN AS FULL AND AMPLE MANNER" as the same were received by him, both as to soil and government; and Charles II., himself, as we have seen, declared the grantees to be "ABSOLUTE PROPRIETORS AND GOVERNORS THEREOF." If subsequent Sovereigns thought he overstepped his prerogatives in so doing, that fact does not militate against the "intent and meaning" of the Grants, as interpreted by the Duke of York and himself.

The reiterations of the "Member of the New York Historical Society" to the effect that "Staten Island and the waters in question were reserved," at any time, are utterly unsubstantiated. They are based upon an assumption, which has been denied throughout this discussion, that Hudson River runs *West* of the island; an assumption which he admits has been disproved by "physical facts" and which the writer holds has been disproved also by "historical facts." To verify the gentleman's assertions, he must first make it apparent that neither islands nor waters "appertained" to New Jersey, which he has not yet succeeded in doing.

The writer is now done with this controversy. He was induced to enter upon it, and led to continue it, solely from a desire to relieve his native State from the imputations and aspersions cast upon her; and he regrets that her defence could not have been confided to abler hands. The results elicited are as follows:

I. It was asserted that "the Hudson River empties itself through its two mouths, the Narrows and the Kills, into the bay of New York." He has shown that this *never* was and *never will be true*, inasmuch as not a drop of the water of the Hudson flows either way through the channel West of Staten Island; and *this has been acknowledged by his opponents as an incontrovertible "physical fact."*

II. It was asserted that the Grants of Charles II. and the Duke of York, in 1664, were rendered null and void by the re-conquest by the Dutch, in 1672 and other causes: He has shown that neither the King nor the Duke ever called in question their validity, but were ever ready to give any other guarantees requested of them.

III. It was asserted that the Proprietors of New Jersey derived their rights *SOLELY* through the Grants of 1674. He has shown that subsequent Grants, more precise, more full, and more complete, particularly on the points in which those of 1674 are asserted to be deficient, were subsequently given, for the very purpose of removing all doubts and quieting all disputes as to the "intent and meaning" of the grantors; and, moreover, that these subsequent Grants have repeatedly been recognized in Courts of the highest character, on both sides of the Atlantic, as conferring all the rights and privileges claimed by New Jersey, through them, and that the ultimate decision of the Supreme Court of the United States, upon the mutual rights of New York and New Jersey, under them, would have long since been obtained had not New York *refused* to submit to that Court the questions at issue.

IV. It was asserted that the Duke of York, in 1674, retained to himself certain powers of government, and certain portions of the tract, previously conveyed, which became thereafter part of his Colonial possessions and "are still to be considered 'historically' as belonging to the State of New York." He has proved under James' own hand and seal, that he always considered the transfer of New Jersey to have been made in as ample a manner as received by him from the King; and he has moreover exhibited the Opinions of Sir William Jones and other eminent lawyers that *nothing* had ever been retained by the Duke excepting the nominal rent.

V. It was asserted that Staten Island was adjudged to New York, in 1669, but no clue can be furnished to the person, Court, or authority by

which it was so adjudged. He has shown that, while there is no doubt of such a report having been sent over from England, by Governor Nicolls, it was still an unsettled question, in 1679; and, as such, undoubtedly one of those intended to be covered by the provisions of the subsequent Grants. If it were not included, but on the contrary intended to be reserved, that fact would undoubtedly have been indicated by a change of description in the Grants.

VI. It was asserted that "all well informed persons" considered the waters West of Staten Island as part of Hudson River, although no evidence of any system of nomenclature, in conformity with such an opinion having been in practice, has been presented. He has shown that specific titles, having no reference to Hudson River, have uniformly been conferred upon those waters in documents and maps from the earliest times to the present.

VII. It was asserted that the grantees of New York held the Province by only a qualified title. He has shown that Charles II. endorsed them as "absolute Proprietors and Governors"—subject, of course, to the right of appeal to the Crown; and that, so far as their *rights* as "Proprietors" are concerned, they have time and again been confirmed, while the authority they possessed, as "Governors," never, certainly, reverted to New York, but is now legitimately vested in the State-government of New Jersey.

VIII. It was asserted that an Order of the Board of Trade, in November, 1697, rendered New Jersey "*thenceforth, on all matters of commerce, in fact as well as in law, entirely subordinate to New York.*" He has shown that every attempt on the part of New York to subject the commerce of New Jersey to its caprices most signally failed. And if any other points brought forward have not been touched upon, it has been owing to their irrelevancy, or to the fact that they carried their refutation so plainly with them as to render their discussion unnecessary.

In conclusion, the writer would remark, that he is pleased to find the fairness and sound ideas of the Commissioners of New Jersey of 1769 recognized, even at this late day. It is to be regretted that their views were not indorsed at that time, as they now are by *The Gazette's* correspondent. Meeting with his approval, as they seem to do, his attention is solicited to the following sentences, which are also extracted from their *Brief*: "Where a deed will admit of two constructions, 'the one definite and certain, the other vague and uncertain, that which is certain should be taken and the other rejected.' Nothing could be more 'definite and certain,' for the eastern boundary of New Jersey, than the direct line formed by the 'Main Sea and Hudson's River;' nothing more 'vague and uncertain'

than the circuitous, undefined line, the adoption of which is essential to the substantiation of the claims of New York to Staten Island and the waters in question.

It is to be hoped, as the gentleman exonerates Mr. Cochrane from any intention, by his paper, "to distract the peaceful relations of the two States, as they were settled by the inter-State Treaty of 1834," and disclaims any such intention on his own part, that the sincerity of his protestations may be evinced by a cessation of the attacks upon New Jersey, New Jersey institutions, and New Jersey writers.

W. A. W.

NEWARK, NEW JERSEY, December, 1865.

[TO BE CONTINUED.]

III.—"MR. ROUBAUD'S DEPLORABLE CASE."*

FROM THE ORIGINAL MANUSCRIPT, IN THE COLLECTION OF THE EDITOR.

[The following strange document is from the pen of one who was a contributor to the *Lettres Edifiantes et Curieuses*; and, if not edifying, it is certainly curious.]

The writer, Peter Anthony Roubaud, was a native of France, who, on the seventh of September, 1789, entered the Society of Jesus, in the Province of Lyons, and, in course of time, was sent to Canada, to take part in the Jesuit Mission, there. He arrived, in 1785, and seems to have been assigned, soon after, to the Abénaki Mission of St. Francis de Sales.—(F. Martin's List in Carayon's *Chaumonot*, 210, 220).—In the operations of the War, he attended his tribe, as Chaplain; and his letter of Oct. 31, 1787, dated at St. Francis—(*Lettres Edifiantes*—Kip's *Jesuit Missions*, 187-190)—gives an account of the capture of Fort George, by Montcalm, and the scenes which ensued on its surrender.

After the fall of Canada, he went over to the English interest; and, by the favor of Lord Amherst and Sir William Johnson, obtained the appointment of Royal Missionary and a salary of £200. He was, however, soon sent to England to give the Government the aid of his views. Here, he renounced his former faith; married; and became a mere tool of Government; and, as such, suggested many of the odious measures by which the English authorities harassed their new Catholic subjects, in Canada, till the growing discontent in the Colonies prompted a different course.

Roubaud's *Deplorable Case* shows that his career in England was not one of much credit or happiness, and gives a poor opinion, indeed, of his ideas of right or honor. He used the money of St. Francis Mission, and asked the Government to refund it to him, for his private use; he admits that he pilfered valuable manuscript maps from the Jesuit archives, in Canada, and sold or used them for his own advantage, in England, as he did also Montcalm's correspondence. Historical students are not likely to pardon him lightly for this.

His married life seems to have been singularly unfortunate; and his Protestantism must have sat very lightly on him, when he could, as in this document, wind up the long story of his miseries and troubles by the strange request that the Protestant Government of England would take

* This curious and interesting paper was found in the hands of the dealer into whose hands the refuse of the stock of the late WILLIAM GOWANS passed, in bulk, on its way to the paper-mill, and purchased by us, for a few cents. The light which it throws on the colonial policy of Great Britain and the matter of the Montcalm papers induces us to present it to our readers, with a prefatory note by our friend, John Gilmory Shea, LL.D.—EDITOR.

his wife off his hands and allow him to retire to a Convent in the Austrian Netherlands, the Belgium of our day, not daring to ask shelter among his own kindred, in France. Yet F. Martin, in his list, says he died in Paris.
ELIZABETH, N. J. J. G. S.]

MR ROUBAUD'S DEPLORABLE CASE,
humbly submitted to lord North's consideration,
humanity, Generosity, civil and natural equity,
and to all Administration.

in the year 1757, at the conquest of fort George near ticonderago, the indians, breaking abruptly upon the Capitulation, slaughtered the english garrison. j was then a jesuit and Missionary of one of their chief tribes, in Canada. j applyd my influence over them and the wealth of my mission, to snatch out of their barbarous hands, one hundred and seventy three english Prisoners, some already tyd at the stake, to be burnt alive and among these, the English Commander, Brigadier General Monro, and paid out of my pocket, their respective ransoms, to the amount of sixty six thousand french livres.

thro' all last war, j was the father of all english prisoners in Canada. at the conquest, j had a great share, in the General peace, concluded with the indians, at the saut st Louis, chief village of the iroquois, on account of these public services, General, now lord Amherst appointed me by patent in His Majesty's name, the only Royal Missionary, in that newly British colony, and the late Sir William johnston allowd me two hundred pounds a year for my salary.

lord Halifax, desiring that some Gentlman perfectly acquainted with canadian affairs, should be sent to London, to direct the Government in the administration of that province, General Murray deputed me in His Majesty's name, for that public service, taking me from my mission, where by the salary from Sir william johnston added to the allowance of the colledge of quebec, and the usual bounties of the indians, j enjoyed a yearly income of one thousand pounds sterling, a large fortune in that country

arrived in this Metropolis, at my first audience at st james, j delivered into His Majesty's hands, my book of accounts, signed by my General, the late Marquis of Montcalm, and the english Commander Brigadier General Monro, comprehending the names of the english prisoners, j had redeemed, with the respective sums, layd out, for so Generous an office. Our Gracious Sovereign, as much by His Royal Care for The Dignity of His Crown, as from a paternal tenderness for the blood of His people ordered at three different times that, j should be reimbursed: but frivolous, tho' Royal orders, which are never complyd with, to the disgrace of that Great Monarch's authority; so that, the Crown of england, and all this nation owe yet the price of the lives of one hundred and seventy three of

their children to a poor foreigner, brought into england by public authority, to be payd upon the gallows, by the shedding of his blood.

at my second audience in Court, j put into His Majesty's hands, the famous Marquis of Montcalm's letters, which, ten years, previously to the event, prognosticated the present revolution in america, and which if duly and timely attended to, as it was resolved in the Cabinet, under mr George Grenville, who resigned too Soon, for the execution of that advised deliberation, should have cut off by the root, before its birth, the present unfortunate war.

my last copy of Montcalm's letters, was asked of me some years ago, in Her Majesty's name, and delivered to General groome, then her private Secretary; as a payment of those unvaluable letters, Her Majesty Sent me by the hands of doctor Morendie, twelve Royal guineas, which from a my respect for the Consort of my Sovereign, j did humbly accept, but, j could never had expected, that, some of those Letters, seventeen in number, should have been published by a Lord, belonging to Her Majesty's houshold, without my consent and against the Laws of trust and honour. that publication exasperated so violently the court of versailles against me, that, it poored its revenge against my family. one of my Brothers was confined into the bastille, and another arested under the most trifling pretense, but in fact on account of the Communication of those letters, to the cabinet of st james. my unbounded respect for Her Majesty, has always prevented me from listening to all proposal, of bringing in law the noble but injust author of that mischievous and treacherous publication.

as soon as j was settled in London, Lord Halifax Communicated me, the affair of canadian papers-money: began by answering three memorials, from the Court of Versailles, left unanswered a whole year. j composed by a special order of the cabinet, the history of those papers-money, a french volume in *folio* now deposited in the records of the board of trade; j was present at all the comitees held on that matter between Lord Halifax and the count of Guerchy, then, the french Ambassador at our Court, and convinced so well His Excellency of the english rights, that, by my means he brought the french Cabinet to an agreement, which poored into the national wealth of this country, an additional million and half sterling. in case of success, j was fooled before hand, with a flattering promise, of an annuity of four hundred pounds, and a gratification besides of one thousand: but, that promise, as a thousand more from The Government, vanished away in smoke, and the service once bestowd, j was never offered even a thank for it.

at the birth of this American contest, j was at the hague, Secretary to Sir joseph yorke. j struggled to my utmost, and prevailed upon His Excellency to bear up my weak efforts with His recommendation, in order to prevent from bringing the tea-bill in parliament, forwarning, that, from my knowlledge of the american senses and dispositions, all taxative Legislation, should be born up against and trampled under foot in america, and set all in flame over that vast Continent, as a positive declaration of war. but, j was not believed, and no notice was even taken of my patriotick allarms and foresight. at every campaign, j set down, and conveyed to the Ministers, the plans, and j dare to assert, the only plans fit for the success, as it may be plainly seen after the events, in the History of my deputation, which j was never allowed by the Government to publish. but j was not believed, and no notice was even taken of my patriotick intelligences.

at the first sparks of this american war, j got accidentally an acquaintance with the count of Guignes, then the french Embassador at our Court, who charged me with seting down the debates of parliament. being in His Majesty's service, j would not take such a charge upon myself, without taking the sense of Lord Dartmouth, then my principal as a secretary of state for the american department. His Lordship approved very much of my appointment, committing to my zeal the interests of this country. j acted with such a success, that, very soon, after several memorials sent previously to His court and approved of, the count of Guignes charged me officially to offer to the Government of england, a double alliance with france, the first a commercial one, and the other offensive and defensive even against the americans, with a supply of french troops, as strong or weak as it should be thought proper, and half cheaper, than the purchase of our German mercenaries. j composed a memorial on so important subject, with as much accuracy and energy, j am capable of, and carryd it in triumph to my worth patron, Lord Dartmouth, who, after a perusal sent me with a recommending letter, to Lord Rochefort, whose department that important negociation resorted to officially. this Lord welcomed me with that politeness, and my memorial with that prudence, that distinguish His noble character; but he resigned during that transaction, and it was very much otherwise for me and my message under his too hot and unadvised successor, who began by scorning at my negociation with a dismal indifference, and put an end to it, bidding me and my constituent, with an insulting oath, *to go long about our business*. j sent immediately the most allarming letters to Lord North and all our ministers, strongly remonstrating, that, such ill

usage should undoubtedly exasperate the Court of versailles, unite her with america, and bring very soon the arms of all the family of Bourbon against england; but, j was not believed, and no notice was even taken of my allarming representation. this last and almost incredible transaction, if published, with all its shocking circumstances, should certainly fill all europe with astonishment and indignation.

the bad success of the count of Guigne's endeavours to serve england and connect her by a strict alliance with france, occasioned his disgrace, and a sudden recall from his court. under my usual approbation of Government, j kept my first employment under the Marquis of Noailles, and detected by the confidence of his chief secretary, the treaty between france and america, two weeks after its conclusion. j imparted my discovery to lord North and all our ministers by an immediate letter, but j was not believed, and no notice was even taken of my important intelligence.

j was offered a place, of an english translator, by the spanish Embassador the count of almodovar, at the beginning of his embassy. but, as the times drew then nigh to a crisis j would not intrude myself in so ticklish an office, but under a witnessed approbation of Government. to get at it, j applyd, to my Generous friend and Protector, Sir Thomas Mills, and begged of him to advise about it, with sir grey cooper, who bid me to write Lord North a letter, which he took upon himself to carry into His Lordship's hands. the answer was, that j was allowed to do, what j thought the best for the interests of england. j found out many capital intelligences, especially about some of our great men, who kept secret correspondencies with His spanish Excellency and paid him frequently nighly visits; but, above all, j learned by the youthfull blunder of one under-secretary of the embassy, that the epocha of their departure for spain was fixed to the end of the then parliamentary, session. that intelligence was the christmas box j served Lord North and all our Ministers with. but, j was not believed, and no notice was even taken of my patriotick information.

it is here worthy of notice, that, as j applyd but to one chief minister, to have at once the sense of all the Ministry, about those employments, j was looked upon, by the other Ministers, as a man sold to the french party, while the french considered and distrusted me as a renegado, and an english emissary, who had acted jesuitically with them, under the direction of our cabinet, and this last assertion is so evidently true, that, since the beginning of this war, they never applyd to me for any of their transactions either in england or elsewhere, a fact which all inquests shall prove true, and god knows exact-

ly true: decisive truth, which should stifle all unjust suspicions against my loyalty, and brings an evidence of my innocence into every impartial mind.

j have been trusted by government with the most secret and capital affairs of the state, and always acted with an unspotted honesty, especially in the affair of duke of Richmond, who, about six years ago, harboured the pretender at his country seat of good wood; and certainly the truth of that fact should have been brought to light, if the inquest had not been trusted into women's hands, by the imprudence and inability of the leader. success should have attended likewise, the secret information on Lord Shelburne, who, last winter lodged secretly in his house don Bernardo Bellugar, under secretary of the embassy of the count of almodovar. j could make a volume of the secret negociations, j had a share to, as an under-agent. but the ministers are not very lucky in the choice of their first agents, and as for me, j was not believed, and no notice was even taken of my patriotick advices.

within seventeen years of deputation, the several Ministers drew from me one after the other, all the papers of state and politicks, which j had brought with me from america, out of the records of the jesuits, or by my inheritance of Marquis of Montcalm, my intimate friend: and those papers have been the subjects of sixty five memorials, j composed successively by order of Government.

under the presidency to the admiralty of my late friend, sir charles saunders, j lended to his office, for information forty two maps of several distant and unknown parts of america, which are the fruits of all the travels of the jesuits thro' all that vast continent, since the discovery of that new world, and which prove on experience and facts, the real existence of a northern passage by land, from america to the asiatick coasts. those Geographical maps illustrated with an explanation of the roads, the degrees of longitude and latitude, the rarities incumbrances and produces of the countries, the nature Manners, and wild appearances of the inhabitants under the pole, at length of the dreadful mountains of ice floating over those seas, and often rising up, above the waves, to one mile, in some narrow isthmuses of those coasts, those maps, do j say, make up a capital collection of the most precious and usefull discoveries, acquired by the voyages of the most learned and illustrious travellers, and consequently could not be valued too much and over prazd. however, they were obstinately and oppressively kept from me, in spite of twenty legal petitions and applications, made by General Murray himself, with all the exertion of his influence and credit, either for a

restitution or a payment, certainly attainable by law. irreparable loss, for those maps were all originals, never published, or even copy'd out but once, for the records of the general of the jesuits at rome; unjust loss, which in english jurisprudence, should be a Capital breach of trust, against a private man guilty of their fraudulent subtraction, and is for a government an arbitrary act of oppressive usurpation, not to be atoned for, but by an adequate compensation to the oppressed subject, especially a foreigner, who is now groaning he with his family under the rod of the last indigence, on account of that injustice, compensation, which j can't help expecting, and confidently requesting in a kingdom, the seat of liberty, where private properties are under the safe-guard of the constitution of the state, and the ministers boast and glory to be the vice-Royal guardians of that happy and admirable constitution. there is a short sketch of my public services, follows now the ungrateful and cruel reward, j was payd with, for them.

j layd out of my pocket in my passage from quebec to scotland, and my journey thro' that country to London, and within the first year of my deputation, the small stock of all my fortune j had brought with me from Canada. for five years j was quite unprovided by the Government, and j ran into large debts, which kept me ever since under the weigh of the most horrible poverty, and carryd me successively in the several geols of this metropolis, a fine appartment for a clergyman, who had set at liberty so many english, at his own and very dear expenses.

j summoned legally often our government, to send me back to my mission, but, as j was turned a protestant, the Governors Murray and Carleton strongly opposed my return, on account, that such step should be looked upon, by all the canadiens, as an insult to their religion, in the clergy of which, j had cut so respectable a figure formerly. on that political pretense, j was precluded by an injunction of Government, from the recovery of my rich settlement in Canada, without any sort of compensation certainly due in honour, and just by law.

at length, Lord Hillsborough and General Murray prevailed upon the present ministry, to allow me an annuity of two hundred pounds. but, as j had then at hand, by order of Government an ecclesiastical and civil plan, for the better regulation of the province of quebec, which plan if adopted, should have smothered, before its birth, that quebec-bill, so detrimental in canada to this country. General Murray agreed privately with lord North, to allow me at first but one hundred pounds, and keep in reserve the other one hundred pounds, as a reward for my work, and encouragement to other: my

plan was finished six months afterwards, and the copies delivered to lord Hillsborough and the late archbishop of york. General Murray was then out of england, at his return, when the annuity of the other one hundred pounds, already granted but suspended by agreement, was requested, no answer was ever given to so just a demand; which silence so affected General Murray, that, he retired from the court, and buryd himself for five years in the country. it appears by that account, that a political writing bespoken by the Government, costed me the loss of one hundred a year. an incredible fact, which General Murray, with a soldiery frankness and honesty, will ascertain at all times, and confirm by his testimony.

Some of my friends had more than once prevailed over me, to bring an action in law, against mr attorney General, (and were j to die now or leave this kingdom, sir George saville, protector of the family of my wife, and furnished by her with all the certificates of my just rights, already declared legal by the opinion of his counsels,) to try judicially whether one hundred pounds, scarcely sufficient to keep soul and life together, and even two hundred pounds, are an adequate allowance, for a clergyman, taken by a public deputation for the service, from an income yielding one thousand a year, and who by all the laws must be defrayd for all the expenses of his public agency. but as Government shewd me a constant dissatisfaction of that judicial litigation, not to disoblige our Ministers, j stopt all legal proceedings, under a solemn and reiterated promise of an ample compensation, which j expect since seventeen years, and should amount now to a capital sum. but, it is not enough to have been precluded from the just rewards and payment of the state, j have been, besides, deprived of the only property j had brought from canada.

when, on account of my deputation, j left quebec, the jesuits, then ordered by public authority to withdraw from that colony, after the sale of their estates, agreed to allow me, for life, an annuity of one hundred and twenty six pounds, and the capital was mort-gaged upon one of their estates, which they were to leave behind, as my share to their possessions. that transaction was past in presence and under the special guarantee of General Murray, in His Majesty's name, as it appears, by his certificate, here annexed.

the jesuits, being afterwards allowd to stay in Canada, and hearing that j was turned a protestant, declined paying my annuity after the first year, on account of my recantation; refusal, which was the most daring insult offered to the religion of the state, and all the state itself, tho' it was never resented by the leaders of the state.

but General Murray applyd immediately to His Majesty, who, at three different times ordered the restitution of that annuity, with the arrears and interest already due, amounting now since sixteen years, to a very large sum. all Ministers, being now, or having been in place, within that space of time, have solemnly engaged their words, to General Murray and me for that restitution.

four years ago, sir George saville undertook to bring that affair into parliament, on account of the late quebec-bill, which by the restoration of the french laws in the colony of canada, precluded me from suing the jesuits at law, as according to the french jurisprudence, a religious man, civilly dead, is not allowd to plead, as it was intended for the recovery of my property. the day was already appointed for that motion in the house of commons; but, Lord North himself desired that such a motion should be dropped down and suppressed, under his promise of a speedy compensation, after a few weeks, and which after four years is yet to come. however, all past and present Ministers assured me, that, a compleat justice should be rendered to me, at least, when the king's council should finally dispose of the estates of the jesuits in canada.

that was near being done, about eleven years ago, when the crown intended to make a free gift of those estates, to General now Lord Amherst, who had agreed to give me my due: but, Lord Camden, then chancalor of Great Britain, peremptorily declined signing the patent, on account, that, those states being a fruit accru'd from the conquest of Canada, bought at the price, of the blood and substance of the people, did not belong to the Crown, but, to the people alone, and could not be constitutionally disposed of, without the sanction of their representatives in parliament.

that national and popular objection was over-ruled in the cabinet about three years ago, under the chancellorship of Lord Bathurst, when the Crown, by the authoritative rights of its prerogative, seized upon the immense estates of the jesuits in canada; in vain j claimed after my due, in vain, j seth forth so many promises of the king, and paroles of honour given by our ministers to General Murray and me, all the Ministers ears were deaf to my just demand, as was their memory unmindful of their engagements, and j could never obtain any redress for the loss of my property. t's not all.

confined by a severe illness to my bed, about three years ago, j was reduced to commit the management of my affairs, to the hands, of my spouse, who, after several visits payd to the american department, had the misfortune to attract the eyes and love of one Under secretary of state, who, after horrible and scandalous.

misdeeds, more worthy of a stew, about convent garden, than of a public office, violently attacked her honour within the precincts of that office, and endeavoured to dishonour her, by the most undecent and lecherous postures. that infamous violence was upon the point of being submitted to the consideration of parliament, by the protector of my wife; but, j stopt by my tears, and moving entreaties, that parliamentary prosecution; and now, as a reward of my kindness, and zeal for his honour and that of his office, that under-secretary of state, who enjoys yet his place, and besides the trust and confidence of the greatest men in the administration, bears against me all the hatred and resentment of an inveterate enemy, stoping all my ways to ministerial justice and protection, and struggling every day after my destruction. an over flow of tears gushes out of my eyes, while j am delineating that, lamentable and unexampled part of my cursed deputation, marked with the black days alone of the most cruel calamities.

notwithstanding, that load of misfortunes unprecedented in the annals of Great Britain, j kept up during seventeen years, the same activity of my zeal for this my adoptive country. steady loyalty, which very few english men born would have carryd on so long, against the stream of so undeserved persecutions and misery, for, j lived so wretched and desperate life, that, j have been very oft upon the point of putting an end to my existence by violent hands, in spite of those religious principles instilled to my minds, since my cradle.

by the intrigues and influence of my powerful enemies, precluded from the audience of our ministers, and without any hope, j don't say, of having my just rights attended to, but even my letters read, by them, as j was declared by their subalterns, j circumscribed my patriotism to serve Lord Hillsborough, my constant protector and friend, to whom since six months j communicated many capital transactions of our enemies, which came to my knowledge by my patriotic inquests, and especially, the treaty of the states General with france, by the intrigues of their great pensionary Van Berket, and which j found out, two months before sir joseph yorke presented our last spirited memorial to Their High mightiness, j flattered myself with the steady protection of that respectable lord when a few weeks ago, an ill-concerted zeal, imprudence, weakness of minds affected by a severe illness, a formal despair, and above all a subtle plot and conspiracy of my powerfull enemies, threat me into the scrape, to the risk of my honour, fortune and life,

j did aforesay, that my zeal for this Country had addicted all its patriotic endeavours, to Lord Hillsborough's office. j got two years

ago, at orange coffee house, a justly suspected place, but which my naked poverty forced me to haunt, a slight acquaintance with one seyer, lately a surgeon in the french navy, now living N. 21 newman row, lincoln-inn fields; that man came back in england, about christmas last, from the french west india islands. at his arrival he furnished me confidently, with the most ample informations of the present situation, fortification and garrisons of those french dominions; informations justfied by experience to be true, in the last attempt of sir George rodney, against st vincent; he supplyd me besides, with the best intelligences of the count of d'estaing's fleet, its strength and destination, and several capital points relative to the french marine finances and politicks. j imparted without delay to Lord Hillsborough so important discoveries, with the name of my informer, and his promise to bring me back all the situation of france, whither he intended very soon a journey. my family is very large and numerous one, tho' j was not born a french subject j have some relation in almost every french department. nine of my brothers are settled in paris; and one, a clergyman of note, lately at the head of the economists in france; under the administration of the french finances by mr turgot, is now intrusted with the confidence, and addicted to the of mr necker. there is not perhaps a man better acquainted with the french affairs, than he is. but, by the most urging verbal entreaties, carryd to him, j could never prevail upon him, nor any of my brothers to open an epistolary correspondence, with me as long as my abode should be fixed in england.

the said seyer, who, as j knew since, was bribed and hired by my enemies, came frequently to my house, always pretending his next journey to france, from whence, he swore he would bring back to me, the most capital intelligences, as well as letters from my brothers, which in consequence j promised to Lord Hillsborough; under several pretenses, he justfied the delay of his journey, till at last he asked of me under my hand-writing some informations on english affairs for france, in order to facilitate his successfull return, and insure him of a passport, which it should be otherwise a very hard matter to obtain, for england. tho' the pretense was speciously contrived, j started back, at the first proposal, but took care in good policy, to keep out of his knowledge, my surprize, by a cool and composed countenance, lest his raised suspicions should cut off entirely his journey to france, and make miscarry a message, j had forwarned of Lord Hillsborough, and from which j expected the greatest benefit for this country and myself, therefore, j shifted off his insidious demands, by evasive and specious answers. but

he reiterated his instances, till, at last, he found and caught the fatal moment to intrape into his snares.

j was, then, labouring under a pleurétique disorder, from which j am not yet quite recovered, actually in the heat of a violent fever, having been already blooded three times; j had already sold or pawned almost my last shirt, to afford the expences of my illness, surrounded besides by a crowd of creditors, conspiring against my liberty, and to compleat that load of distress, my spouse who, since two years, as lord North knows very well, is periodically every month obnoxious to lunatick fits, had been taken with her madness, irritated by our common wants and destitution, and threatened me every day in my bed, with a violent and immediate destruction; that's the cruel hour, the hired traitor picked up, to extort from my weakness, the fatal, tho' informous, insignificant, dark, illegal and unconvulsive papers, he aimed at, for my ruin, and which, in the greatest part, he dictated himself to my distracted minds.

however, perfectly sure, that, from my total ignorance of the cabinet's deliberations, j could not and that, from my zeal for this country's and my own interests, j would not send any information hurtfull to england, two motives prevailed upon me, to comply with his demands: the chief and first was, the flattering expectation, of coming to a capital discovery, and by it to the end of my misfortunes. my second motive was, that, in case of treason (which j guessed at very well from a man to whom j was so slightly connected) and misapprehension of my real intentions, a sudden trial and death should put a quick end to my misfortunes, more cruel, than death itself, and in my situation, j can't help wishing for that event, and requesting it as a favour, if no change is granted to my deplorable condition.

it was not long before j was acquainted with the fate that was very likely to attend me, by the plot of my ennies. one of the chief informers and inquisitors of state, under the stipend of a certain minister, and whom, j should wish, more prudent, honest and loyal for the public and private honour of his noble employers, (for it is not here a proper place to explain myself better) that civil hunter for the state, do j say, declared me, that he had seen into the hands of a minister, some treacherous papers, under my hand writting, for which the attorney General Was of opinion, to serve me with his warrant, for my confinement, warrant, which he had stop't by his good offices. as j have not in my possession any political papers, but those already communicated to Government, as the most severe inquests, in my house or elsewhere may justify; as, since j am in england, j never sent or received

any letter from out of the kingdom; my family even not excepted, j readily conceived, what papers could be witnessed to my charge.

the said chief informer added, that j kept a strict intimacy, with one mermaid, if j not mistake the name, a suspected man privately living in oxendon street, and that, j had paid him several private and secret visits in His appartment. my answer was, to hold my good informer by the hands, and desire of him to follow me to the said mermaid's lodging, and that, j would, with all my heart forfeit my life, if it was found out, by the landlord's or any other evidence, that, j had any sort of connection, either with mermaid, or any other man suspected or not suspected, except a single Generous friend, in a trading way, quite stranger to politicks, who saved me from starving by my frequent admittance to his table. j was answered, that the ministers were very conscious of the truth of the fact, and consequently of my guilt, and that, they wanted not any defence or apology of mine. a thundering declaration, which forebodes but my premeditated and unavoidable destruction.

the said informer insisted peremptorily, that, on thursday, the first of february, j was gone to dine, at a place, distant four miles from London, with three notorious traitors, and he let me know, his under-informer, who, had seen me with his own eyes, in that treacherous compaigny. j am werry sure, that the Government know nothing of that under-informer, who is so notorious a villian, so known in the cells of newgate, and so lost to all principles of the meanest honesty, that there is not a man in the kingdom, however so innocent, who, should not tremble, were he acquainted that, his honour and life depend upon the inquests, impeachment and evidence, of so profligate banditty. however at the name of that infamous slanderer, j rose, quite in a passion, and as that very same day, j had dined in public by the generosity of a friend, at mr thompson's inn, prince street, Leicester-fields, j run to that place, and brought back, one of the Gentlemen, in whose company, j had dined; but, my informer denyd positively listening to my eye-witness, and hearing his testimony confirmed, by the whole compaigny, and mr thompson's family. and his reason was, that my guilt was sufficiently proved in the minds, and set down in the black book of our Ministers; a confirmation of the premeditated plot against my life.

the said informer instructed me, that, stephen de Mairanville, that thief who robbed me last summer, almost ruined me by his theft, and was cast at the last assises of Guilford to seven years transportation, had been granted His Majesty's free pardon, on account of having impeached me. what was that new impeachment, j was concealed; but, what j know, is, that the con-

vict is now parading in the streets of London, cutting a stately figure, defaming everywhere my character, and threatening me with a destruction from our ministers. what j can say upon so scandalous a subject, is, that, if a recrimination of a convict under sentence of a criminal court, against his prosecutor, makes a sufficient title, to the forgiving prerogative of the Crown, to the protection of Ministers, and the gifts of the state, if such unproved a recrimination is a lasting verdict against his prosecutor, it is indeed more dangerous to enforce the laws and seek for redress under their protection, than to trample by nefarious deed upon them; and then farewell to all civil Society and public Safety.

in short, my informer ascertained, that, the only way to obtain my pardon, save my beggarly and trifling annuity, and have my just rights on the Government Granted, was to discover the names and practices of those spies, who infest this country, swearing, that, without that desired discovery, j should deem myself a lost man; so am j, if that's the case, for, j solemnly repeat it, ready to confirm it upon oath; j know not any spy, j never had any connection with any, since j am in england, j never sent to nor received any letter from france; j never had any money but from the government, which alone has scarcely and scantily supported my miserable life, and it is ever proved, that one single of those assertions is false, j consent with all my heart, to have my honour fortune and life exemplarily forfeited; alas! alas! my deplorable poverty and the streights it reduces me to, is a compleat evidence, that speaks aloud of my veracity and innocence on those capital points; the french are Generous to their spies, who swim in gold, and j swim in rags and all the dirty badges of misery, and so terrible one, that, j am every day upon the point of dropping down, starved in some corner of the stree's of london, god knows, j tell the truth, and a most cruel truth it is.

from the aforesaid accounts, it is plain, that there is a plot contrived against my honour and life, for the above mentioned informer made out as clear as the sun at noon day, that j was surrounded with spies, hunting after my tracks, till in the chandleshops, whither, the meaner wants of my family call me to, j shall be always very glad to be watched at my most secret steps; but, j beg humbly to consider, that there is a moral impossibility to me and every man to give a legal account of all the places, the circumstances may occasionally carry me to, and if exasperated enemies and infamous rogues are blindly credited in their charges against me without being even allowed a hearing, and defense, there is not a man who should not tremble for his existence under so dreadful a pre-

dicament. well, if my life is wanted, j give it up very gladly: let it be taken away at once without any farther formality by some legal or illegal way, j don't care a straw for it; but it is better for me to be quickly out of this world, and consequently, out of my misfortunes, than if it was apply'd for it to subtle means, which should involve in the loss of my life, the loss of my honour and that of General Murray, my respectable friend.

as to the uniform papers, j delivered, injudiciously by the event, to the surgeon Seyer, j could with good conscience, call the almighty to witness, that my chief intentions were, to serve great Britain. but, such sacred an appeal, which shall carry so great a weigh, in the last doom's day, is of no force, at the tribunal of our Momentary judges. all what then j can say to my defense, is that those papers, if duly attended to, demonstrate that my person and name are not even known to the present french ministry, and consequently, as j have to often ascertained, that, j never entertained any sort of correspondence in france. the contents of those papers besides, are the most notorious falsehoods dictated in great part by Seyer himself to my distracted minds, and partly assertions, extracted from news papers, well known all over the continent: and were j supposed to be ever so disaffected to Great Britain, which god knows is not the sentiments of my heart, it should be out of the reach of a poor and isolated man as j am, unconnected with all public offices, without any correspondence out or in the kingdom, and no money to buy and pay some informer, it should be impossible, j say, to such a man to carry to our enemies, any hurtfull intelligence; reflexion, which must certainly carry a victorious conviction to every impartial mind.

here is now my present situation; j am but a poor foreigner, destitute of all interest and protection in england; once in a brilliant condition of life, which j gave up to come here and serve this country, which by education and from my cradle, j was taught to esteem and love. it is on those natural dispositions, for which j have been cruelly rewarded in england, that, j did not hesitate a moment to sacrifice my rich mission of Canada, to an uncertain, and by the event, destructive deputation, for the service of this country, under the sanction of His Majesty's proxy, General Murray, to whom my misfortunes have been a constant and shamefull disgrace, and who would never forgive to himself my deputation, if some farther mischiefs were to fall upon my devoted head; alas were he to know my present condition, that knowledge, would make him truly wretched and miserable in his life. he is the

only friend and protector, j may surely depend upon, in england, out of which he is now for the service of His king and country; it should be an ungenerosity, worthless of the english, to take an advantage of his absence, and my general destitution. j don't say to take away my life, for which j have not the least alarm, but to keep me longer under the weight of so deplorable poverty, by the privation of my just rights. j am besides a clergyman of sixty years of age, threatened, with a total blindness, quite destitute of all means of getting my livelihood, for me and my family. afflicted with three severe maladies, which by want of proper accommodation, undermine every day the vitals of my life; scarcely recovered from a pleuresy, which by the expences has taken away from me. almost all what j was possessed of in this world; overloaded with debts, heaped up every day by the scantness of my annuity, the dearthness of the times, and the infirmities of my age, debts, which threaten me at every instant, with a goal, which very quickly should be my grave, as j support now my life, but by alms, which j could not get, in confinement, and with those alms nature is very oft falling under the severe fast j am reduced to. to complete that load of calamities, j am charged with a lunatick wife, who in her fits endangers often my life, hitherto spared by special providence. incredible misfortunes, so true, that j'll sent them authenticated with my oath before a justice of the peace, to all the Ministry, as soon, as general Murray's noble relation, j apply to for it, sends me the money for that purpose, in short my life is so intolerable to me, who had never felt the anguishes of calamity before j set my foot in england, that j call every day death, and the most cruel death to my assistance, death, which j ask now of the Government or the happy change of my situation, by an act of justice to my rights and services; services not doubtfull and obscure, but known to all ministers, and certified by an existing testimony of the king himself. it is on those considerations, that, j humbly submit the following proposals, to the justice and humanity of Government.

my wife is a york-shire woman, whose family was ruined in the last rebellion, by an exerted zeal for the Royal family. she is in a decay, from a complication of disorders, and afflicted with a consumptive fever; she is then radically unable, to get her livelihood for the short remainder of her life. were j now to die or leave this kingdom, sir george saville, protector of her family, furnished, as j have said, with all certificates, and proofs of my rights, declared just by his counsels, would sue the Government, in order to recover the property of her

husband. besides, if am guilty she has no share in my guilt. Lord North, who knows her perfectly well, promised her four years ago a separate maintenance, if it cannot be done another way, let our mild and human Government allow her fifty pounds a year, for her short remaining days, which fifty pounds shall be taken from my annuity; so that, she may retire into her country, and j be legally discharged of her debts, as having provided her with an alimentary allowance according to the laws of nature, honour, and england.

as for me. j give up with all my heart, fortune and life. if the government think, that an error of judgement, which imposed upon my disturbed minds, only a few weeks ago, has destroyed the merit of one and twenty years of the most hard, and usefull service either in england or america, and intend to exert against me, the last tho' undeserved severity, with all my heart, j submit to my fate; j solemnly declare, that, at the first intimation j am ready to surrender myself, to the custody of any messenger of state, appointed for it, and carry without complaint and even defense, my devoted head to the block, where all my rights, on the government shall die with me, and receipt in full for the loss of my property, signed and sealed with my blood, relying however upon the private english gratefulness, and hoping, that, some of those officers and prisoners, who, by the good offices of my humanity and generosity, survived the flames, kindled by the barbarians, to roast or boil them, at the bloody catastrophe of fort George, will bury decently my poor body, so cruelly tortured in england, while, j am yet living.

but if the Government, choice to use toward me of that mercy, which always was the characteristic of this nation, and give an insignificant life for so many precious english lives, j redeemed out so dearly, then, let them send me back to quebec, whither j am very willing to go, on that just condition, that they will provide there for my subsistence, which j could no more request from the jesuits, deprived now of their estates.

if the same politickal reasons, which formerly militated against my return to that colony, are yet urging in their full force, j am ready with the consent of Government, to leave this country, provided they will allow me the same annuity as all the jesuits in Canada, and besides a little sum of money to defray the expences of my journey, and support my life, till j found some convent, in the austrian netherlands, where j may bury myself in an obscure retreat, for my short remaining days: if in my solitude, j can catch some discovery usefull to this country, god is my judge, that j will and

shall immediately impart it to our Ministers, whom, j shall be very happy to serve, till to my grave. j said, that j would seek after my last refuge in the austrian netherlands, for j shall never trust my person to france, where j could expect but a prison as a renegado, or a death, as an o'd friend to the english, tho' j am now suspected by them to serve france as a spy.

but, if neither of those proposals is agreeable, let the government exile or banish me in any part of england. bread and some milk shall be a sufficient maintenance for a sickly man, brought up to sobriety and moderation from his infancy. j hope only from ministerial charity, at least, that, they will allow me some proper physicks, against my excruciating disorders; satisfyd with my fate, in that unknown retreat, j shall wait with patience, that, god gives a glorious peace to this country, and brings back home General Murray, who surely then from his income, will allow me more than a decent maintenance, j don't see, that other proposals can put an end to my misfortunes, which j cannot more patiently bear up against, and prevent me from being intraped in the snares, layd from every quarter by a general conspiracy, for my destruction.

j beg humbly upon my knees, of the Government, to consider my case, and leave me no longer in a suspense to my desperate situation. j humbly beg to let me know, what they intend to do with me, or to give me leave to take their silence, as an approbation of my leaving this country, at my own expences; in such a terrible case, as j have nothing, j don't say, to travel, but to live upon, not an another way is left to me, but a public subscription already offered to me by some noble friends, and to solicit the General Generosity of this nation, by printing immediately the prospect of my case, that's to say my just rights to that Generosity, and besides my long and voluminous letter to Governor Carlton, now in the hands of some General Murray's noble relation. and wherein a full history of my lamentable deputation, all my public services, plans transactions, and negociations under the sanction of Government, are minutely set down. true, two years ago, Commodore johnston, General Murray's nephew, presented my manuscript to Lord North, and was answered by mr Robinson secretary of the treasury, that such a publication, should compromise The Names of Their Majesties, and discover besides some secret transactions of the state, by no means fit for the public. no body has a greater regard for Their Majesties, and their present ministers, than j have, and j should think myself happy, to seal that respect, with the last drop of my blood, if it could be of some service to Their interests.

but self preservation leaves no other ways, of avoiding an us-less death, but by the Generosity of this nation raised by the publication of my services and the sale of the only papers left to me. j hope the Government will pity my distress, and let me know, their intentions, to which j willingly submit before hand, with respect and gratefulness.

j conclude this humble memorial, with begging to be excused for all impropriety of language and as ertions. in my present despair, j am out of my natural tho' small presence of minds, and forced by the urgency of the circumstances, to write currently with a shacking hand, and half blinded eyes, without advice and great reflexion. j hope that, such an Excuse will be accepted by the politeness and kindness of our Ministers.

PETER ROUBAUD

VAUX-WALK N. 2 24 feb. 1781

COPY OF GENERAL MURRAY'S CERTIFICATE.

j do hereby certify, that, the bearer, mr Peter Roubaud formerly, a jesuit in Canada, was sent home by me, to give The king's servants, informations of that colony and other things, relative to america; that he acquitted himself to the entire satisfaction of Lord Halifax, who thanked me, in His Majesty's name, for having sent him.

j do hereby farther certify, that when he left quebec, the jesuits agreed, in my presence, and under my special guarantee, to allow him, as a share to their estates, and out of the revenues of their colledge, an annuity for life, of one hundred and twenty six pounds, which they declined paying, after the first year; that, that having been represented To His Majesty, Lord shelburne, by a special order wrote to Governor Carleton, to insist from the jesuits, not only upon the punctual payment to mr Roubaud of that annuity, but the arrears and interests already due.

given under my hand JAMES MURRAY
Lieutenant General.

LONDON 1 july 1770.

the originals are in almost all our minister's hands.

—The *Wiscasset (Maine) Oracle* says, that a whipping-post stood on the corner of Maine and Middle-streets, in that town, near the "town-pump;" and Mrs. Phebe Still, a very old resident, who died a few years ago, remembered to have seen it in use, when she was a very little girl. It probably dates as far back as 1790, or earlier.

IV.—DOCUMENTARY HISTORY OF DURHAM, NEW HAMPSHIRE.

FROM THE NEW HAMPSHIRE ARCHIVES, NOW FIRST PRINTED, FROM THE ORIGINAL MANUSCRIPTS.

COMMUNICATED BY CAPTAIN WILLIAM F. GOODWIN, U. S. A.

I.

Petition of the settlers, for the establishment of a town government.

To the Hon^{ble} John Usher Esq^t: Leut^t Govern^r. Command^r in Cheife of his Majes^{ty}: Province of New Hampsh^{ire}, and to the Hon^{ble} the Council

WEE the Subscribers Inhabitants of Oyster River *

Humbly Petition and Pray

That whereas his Moste Sacred Majisty King William, has been pleased Through his grace and favor to grant unto yo^r: Hon^r: by his Royall Comission | with y^e Council | full Powers, and authorities to Erect and Establish Townes with in this his Majesties Province, and Whereas wee yo^r: Petitioners haue by devine providence Settled and Inhabited that Part In this his Majes^{ty} Province Commonly Called Oyster River and haue found that by the situation of the place as to Distance from Dover or Exeter, butt more Especially Dover wee being forced to wander through the Woods to y^e place to meet to and for y^e management of our affaires, are much Deadwantaged for y^e present in Our Buissness and Estates and hindred of adding a Towne & People, for the Hon^r: of his Majesty in the Inlargment and Incres of his Province, Wee humbly Supplicat^e that yo^r: Hon^r: Would take itt to Yo^r Com^{mission} and graunt that we may haue a Township confirmd by your honour, w^{ch} wee humbly Offer the bound Thereof may Extend, as followeth. To begin at the head of RIALLS his Come and So to run upon a North west line Seven Miles, and from thence wth Dover line Paralell. untill wee meet with Exeter line, That Yo^r: Hon^r would be pleased to Grant this Petition, which will not only be a good benifit Both to the Settlement of Our Ministry—The Population of the place, the Ease of the Subject and the Strenthning and advantaging of this his Majes^{ty} Province, butt an Engagement for Yo^r Petition^r,

Ever to pray for the Safety & Increase of Y^r Hon^r and Prosperity

| | |
|--------------------|-----------------|
| John Smith | William Jackson |
| Joseph Jones | Joseph Bunker |
| James A bunker sen | John Woodman |
| John williames | Stephen Jones |
| Thomas williames | Paul dauis mark |

| | |
|------------------------|-----------------------|
| william willyoums | Samson doe |
| Henery wines | John doe |
| Nathanell Meder | Jeremiah Cromet |
| John Meder Sener | James J durgin mark |
| John meder Ju | William J. durgin ma: |
| william fasset | Elias Critchett |
| O his mark | phillip O Cromet |
| Jams Arre B his mark | John Cromet |
| philep Duly O his mark | Jeremiah Burnnum |
| clemeret X his mark | John Smith |
| Joseph Jengens | Thomas hickford |
| Jems bonker O his mark | ohn ginder |
| James thomos | francis mathes |
| Nathale pitman | Henry Neck |
| Joseph meder | John A willy his mark |
| Joseph Smith | Th mms Elgerley |
| Edward Wakeham | John Edgerley |
| Thomas wille | Edward E Lethers his |
| Thomas Chastle | mark |
| philip Chastle Sin : | Henery J mash |
| francis Pittman | william A durgin his |
| Thomas Chastle Juner | mark |
| George Chastle | |

[Endorsed:]

Filed "1695"
"Oyster River Petition"
"Referd till another time"

II.

Objections to the reception of Colonel Davis and his wife into the church at Cochecho, as members thereof.

REVERD HON^{rs} & BELOVED

understanding Col^l Davis & his wife are al^t to Joyn in full com^m wth yo^r church this is y^e by Vertue of y^e Communion of Churches to enter My Objections agst y^m for Scandalous crimes untill their publick confession & reformation

1st crime agst him is his hipocrisy in p^rtending he could not wth our church on Acc^{ts} of Cap^t Jones who (as he said) had taken a false oath ab^t Cap^t Hills land at y^e Falls wth Jos: meader also when he Considered not the beam in his own eye relating to another oath he himselfe took concerning Wheelwrights pond

2^d crime is his Sacrilegious fraud in his being the ring leader of the point peoples first rate of my first years Sallary detaining 16^s thereof now almost Sixteen years

3^d crime is his Sacrilegious covetousnesse of the poisonage Land for his Son daniel acting thereby like Ahabs Coveting & forceable entry upon Naboths Vineyard

4th his lute wresting the Law of this province in his partial Spite agst his own legal minister for so innocently playing at nine pins at a house no ways license for a Tavern & also for reproaching and defameing S^d minister as being in drink or disguised therewth; besides his the S^d Ja^s

* Durham, formerly called Oyster River, was once a part of Dover. It was incorporated May 15, 1723.—W. F. G.

Davis being so desperately & notoriously Wise in his own conceit his pretending to have so much religious discourse in his mouth & yet live so long (40 years) in hatred unto, contempt of, & stand Neuter from, our crucified Saviour, & his honouring his Sons & his wife also above the Lord of Heaven by his hearkeing to them more & rather than to him 1 Sam^l 2: 29 in the Second place ag^t her the S^d Elizabeth his wife

1st crime is her railing ag^t the s^d minister publicly at the Church meeting in the meeting house by Saying that the s^d minister told a Lie in the pulpit ab^t Sobriety Thomas &c

2^d crime is her prophane mockery at Christs ordinance of a church meeting for discipline by her Saying in away of derision, theres a going to be another Caball now i. e. a horse racing from Caballing the starey Constallation, or else a secret council for some mystery of iniquity

3^d crime is her being disorderly as a busy body at every one of her husbands Courts to be his adviser

4th crime is } or intermedlar in his passing Judg-
y^r other } m^t: in any case as if he sh^d regard
side } her more than his oath the Law or

evidence if these criminals will have there crimes to be proved at any Church meeting to hear the Same wth y^r reverend paster m^r Jon^s Cushing may please to appoint. Then as the Hon^{ble} Col^l Richard Waldron Esq is one of the members of y^r Church in full communion & a chief Justice of peace for this Province as a Subject I desire but as an ambassad^r for Christ I demand of his Hon^r afores^d a blank Summons & notification seasonably as a complain^t to sundry evidences for the affirmation of y^r p^rmisses as Witness [two hebrew words *] pastor |

dated at Oyster River parish in Dover Aug^t 17th 1723 | to be communicated to y^r church at Cochecho of & when Judged exped^t by the Rev^{ed} pastor thereof

On the other side.]

the womans } her so evidently insaparing her
4th crime is { Son Thomas into so many denials
of any such conenn^t wth Sobriety

Thomas in all that Scandalous businesse For wth cum multis aliis &c as baptized Children of the Covenant by the prof minister they are both of y^m laid under y^r Censure of his pastoral rejection as unbaptized heathen man & woman as Warranted by the Law of Christ in Titus 3: 10 | 1 Tim^s 1: 20 | Titus 2: 15 | matth 16: 19 | mal: 2: 7 | 1 Sam^l 18: 23 | Matth: 3: 10 | Acts 1: 18: 21: 23 | untill their publick Confession & amendm^t of life concerning whome therefore I must Suppose in Charity for y^r Church by the receiveing such among you w^d not dare to transgresse those written orders in the Apostolick

* These words are not given in the copy sent to us by Captain Goodwin.—Editor.

Law Christ 1 Cor 5: 11 & Sundry other Scriptures

III.

Petition of the inhabitants of Oyster River, to the General Assembly, praying for a change of boundaries between that Parish and that of Cochecho.

To the Honorable John Wentworth Esq^r Leut^{nt} Govern^r and Commander in Chief in and over his Maj^{ties} Province of New Hampshire in New England and to the Honorable his Maj^{ties} Council and Representatives for Said province The Humble Petition of Sundry aggrieved Inhabitance of the parish of Oyster River Most humbly Sheweth Where as we the Subscribers In Habitanice of Said parish Have allways been Constant hearors and Paid our Rats to the Minister of Said Parish as by the Rait List of assessm^{ts} Will make appear and Likewise Sundry of us have Been at a Consederabel Charge in Bulding a Meeting House in Said parish it being Nier and more Convenent for us to attend upon the Publick Worship of God at Oyster River Meeting House then at Cochecho Meeting House Which is a great way farther for us to go the Neuer the Less as we Understand we are in Danger of Being Excluded from our Said Priuiledges by Such an Unequal Line of Boundary between the parish of Oyster River and Cochecho which if being so Stated will be Graty to the Damage of Y^r Petitioners

We Do therefore Humbly Craue Liberty of the More Mature and Superior Judgment of your Honours in the General assembly praying y^r honours to take it in Consideration that there may be a more Equael Line of Boundary Set so that y^r: aggrieved Petitioners may not be under Such Great hard Sheps: and y^r petitioners Shall Ever pray

Joseph Jones in behalf of the Rest
whose Names are to be geuen in

Joseph Daniel
William Brown
James Jackson
Thomas Lethers
John Tasker
Lemuel Chasley
Joshua Chasley
Zachrah Edgely
William Glines
Samuel Daves
Joseph Hicks
James busell
Morres fouller
John Busell
Joseph Parkins
Thomas Bickford
Ralph Horll
Samuell Parkins

John Rand
John Renick
Timothy moses
Thomas rizo
Samuel Chasle
John Allan
Eli Demerett
William Demerett
John Demerett
John Huckins
Job Demerett
De ry pitman
Thomas Willey Juner
Joseph Daniel the third
Noel Cruse
John Daniel
Benjamin Ewins
Henry Bostell

Joseph Jones jun^r William Basiell
John Jones

[Endorsed:]

Filed

"Petition of Sundry aggrieved
inhabitants of Oyster River"
"Dec. 10. 1739."

IV.

*Petition of the Inhabitants for a provision for the
proper maintenance of Rev. Hugh Adams,
the old Pastor of the Town.*

TO HIS EXCELLENCY Jonathan Blecher Esq^r
Governor and Commander In Chief in & Over His
Majesty's Province of New Hampshire in New
England, the Hon^{ble} His Majesty's Council and
House of Representatives for Said Province In
General Court Convened

Jan^y 31st 1739—

THE PETITION of Sundry of the Inhab-
itants of the Town of Durham in Said Province
HUMBLY SHEWS—

THAT the Inhabitants of the Said Town are
divided into two parties Respecting their Eccle-
siastical affairs, the One Such as adhere to the
Reverend Mr Hugh Adams the late Minister of
the Said Town & who Continues so to the Said
party, the other (who are much the Greater) are
Such as have Oppos'd his Standing in that Rela-
tion to them, & Still Continue so to do—

That notwithstanding it was the Opinion &
Result of the late Ecclesiastical Council held
there that it would not be Expedient for him to
be any Longer the Minister of the said Town,
Yet Considering his former Services, his advance
Years and the unhappy Circumstances of himself
& Family they Earnestly Recommended and
press'd it upon the said Inhabitants that they
should Liberally make Provision for his Support
during the Stay of himself & Family among
them— which is what would be highly agree-
able to Your Petitioner—

That altho Several propositions have been
made touching that matter yet nothing has been
agreed on nor any care taken to Secure the per-
formance thereof in the manner Recommended
as aforesaid—

THAT your Peticoners apprehend it would be
a great Indecency if he who was once & so long
the minister of the said Town should have no
other provision made for his Support than what
the Law provides for one of the poor of the
Town, and that he Should be Reduced to a ne-
cessity of Depending upon such a Subsistence

THAT your Peticoners are desirous Still to Sit
under his ministry and are willing to Support
him & his Family Suitable to his character &
Station among them—and Conceive that his be-
ing Comfortably Supported would have a good
Tendency & be the mean of making peace in the

Town (respeting Ecclesiastical matter) and would
keep all parties quiet & Easy— But your Peti-
coners however willing are not of a ability to aff^d rd
such Support while they are Subject to & pay
towards the Maintenance of another Minister in
the Town—

WHEREFORE they most Humbly pray that
they with Such Others of the Said Town as will
Associate with them (not Exceeding the one half)
may be Exempted from paying towards the Sup-
port of any other minister & may be discharged
from all Charges of that nature laid on them by
Law by their Opponents from the time of the
aforesaid Result, and may by be Incorporated as
a Parish during the Life of the Said M^r Adams
in order to maintain him & his Family & to En-
joy the Benefit of his Ministry Or that the Town
in General may be obliged to afford him a Com-
fortable Subsistence during his abode there— Or
that Such other method may be pursu'd as this
Hon^{ble} Court in their Great Wisdom & goodness
shall think proper for the peace of the Town &
the Ease of that aged Gentleman—And Your
petiticoners as In duty bound shall ever pray
&c—

Francis Mathes
Thomas footman
Thomas Drew
Joseph Wheeler
William Lord
John Edgerly
St Uphen willie
Joseph Steuensen
John footman
Joseph footman
Benjamin Pinder
John Durgin
Benjamin Durgin
Benjamin Pender Jun^r
frances Durgin
Joseph Drew
John Kant
Moses Edgerley
John Kant iun^r
John Drew
Benjamin Benet
James Durgain Jun^r
William Durgain
James Durgain
Will^m Durgain Jun^r
Joseph Durgain
Toworthey Durgain
Joshua Durgain
Hazecliah Marsh
Joseph duda

Joseph duda
Juner
Cenmor duda
John Cromut
Philp Cromut
David Dautis
Jacob Task
isacc Meson
nathanael Watson
Nathaniel frost
John Smart
John mason
Benjamin Burdit
Pumphet Whithows
Valltin Hill
Sam^l Adams
Samuel willey
Joseph Bickford
Abraham Banneck
Benjamin Banneck
Jonathan Durgain
William wormwood
Joseph Edgerley
Thomas Bickford
Abraham Steunson
John Bickford
William
Joseph Edgerley

N^o: 57

[Endorsed:]

February the 15th 1739-40 In the house of
Representatives The within Petition Read, and
Voted the Petition be dismiss'd

JAMES JEFFRY Cl^k ass^m

In Conn^d feb. 21. 1789-40

Read and the Question put whether the Council w^d Concur with the representatives vote four voted yea & four nay— w^{ch} were all that were present

R WALDRON Sec^y

V.

Roll of Captain Smith's Company.

DURHAM July y^e 24th 1740

A list of Mames of all the Soldiers that Is under my Comand from Sixteen-years old and upward as the Law Directs

JOHN SMITH Jun^r Cap^t

| | |
|---|----------------------------------|
| Sarg Thomas Steuenson | Willm: Lord |
| Sarg Samuel Willey | Stephen Willey |
| Sarg John Crummet | Benja Matheres |
| Sarg John Edgerly | Volintine Mathers |
| Cor Joseph Wormwood | Abraham Mathers Jun ^r |
| Cor Joseph Davis | Joseph Steuenson |
| Cor Joseph Edgerly | abraham Steuenson |
| Cor John Durgain | Caleb Wakham |
| John Footman | Francis footman |
| Joseph Footman | Daniel Davis |
| Samuel Smith | Tho footman Jun ^r |
| Benja Smith | John Genckens |
| Joseph Chasly | Robert Burnham Jun ^r |
| Ebenezzer Smith | John Burnham Jun ^r |
| Benja Pender | Richard Danmore |
| Francis Durgain | Benja Davis |
| Eliphalet Daniel | Jabez Davis |
| John Kent | Jeremiah Davis |
| John Kent Jun ^r | Abraham Mathews |
| John Drew | Samuel Watson |
| Elijah Drew | Joseph Gleden 27 |
| Tho Bickford | Solmon Davis |
| Robert Kent | Ebenezzer Davis |
| Tho Langly 26 | Samuel Meeder |
| John Mason | James Burnham |
| Daniel Doo | Ichbod Denmore |
| John Doo | Joseph Bickford |
| Joseph Doo | John Langley |
| Benja Doo | Jobe Langly |
| Will ^m Wormwood Jun ^r | Hezekiah Marsh |
| Will ^m Jacks | Will ^m Willey 29 |
| Joshua Cremet | Joshua Woodman |
| Abraham Bennet Jun ^r | John Crechet |
| James Durgain Jun ^r | John Willey |
| Will ^m Durgain | James Burnham Jun ^r 4 |
| Phillip Crommet | |
| Benja Bennet | |
| Isac Mason | |
| David Davis | |
| Samuel Joy | |
| Joshua Davis | |
| Joseph Dudy | |
| Joseph Dudy Jun ^r | |
| Bennore Dudy | |
| The Willey | |

[Endorsed:]

A true Copy of the List Rool taken y^e Last Training Day and Coppyed out July y^e 24th 1740

JOSEPH DREW Clerk

Total 86

Theodore Willey

James Smith

Joseph Smith

Tho Yorke

Smith

For Col^d Gerrish.

VI.

Petition, to the General Assembly, of Daniel Meder, for relief fur himself and for the Quakers residing in the town.

TO HIS EXCELLENCY Benning Wentworth Esq^r Governor & Commander In Chief in & Over his Majesty's Province of New Hampshire the Hon^{ble} His Majesty's Council & House of Representative in General Assembly Convened the 11th Day of Febr^y 1741, 5.

THE HUMBLE PETITION of Daniel Meder of Durham in the Province of New Hampshire in behalf of himself & the People called Quakers Inhabitants of Durham afores^d ShEWS

THAT your Petition^r was Chosen Constable of the said Town at their Annual Meeting in March 1743 for that year & at the Same time One Isaac Clarke was Chosen a Constable or Collector of the ministers Rate thereby Intending to Exonerate the Constable of the Town (properly so-called) from that Service.

THAT since that Choice M^r Hugh Adams has Recovered a Judgment ag^t y^e s^t: Town at the Court of Appeals for a Considerable Sum of Money w^{ch} the Town was obliged to Raise, a Meeting was called, & a vote past Raising a Sum of Money but express'd in a Covert disguised manner purposely Concealing the use & design to which it was to be applied with an intent as your Petitioner Conceives, both to oblige him to Collect it, & the Quakers to pay a part of it, who are Exempted by Law from paying any part of money Raised to the use for w^{ch} this was Really designed— and pursuant hereto a list of Rates was made, wherein all Denominations were taxed towards the Sum Voted as aforesaid, & Artifice & contrivance usd to get it into the hands of your Petitioner & to Oblige him to Collect the money—

THAT as the Laws of the Province do not Oblige any man or men to pay towards the Support of any way of Worship but that which he or they attend much less will they Compel any man to Collect money for the Support of that mode of worship from which he disents and the Money adjudged to M^r Adams as aforesaid & which has been Collected (with other money) and Since paid to him Comes within the meaning of the Province Laws granting Liberty of Conscience & other Privileges respecting Religious worship, as any sum to be raised for any ministers Yearly Salary.

WHEREFORE your Peticon^r Humbly prays that as the Quakers have not yet paid the part of Said Rates which they were Assessed they may be

Exempted & discharged from paying the same and be Exonerated from the burthen of making Such Collection— and farther as your Petitioner Conceives the Collecting any part of Said Rates was an unjust Imposition on him he Prays that he may be paid by the Said Town a Quantum Meruit for that Service and he will as in duty bound Ever pray &c—

DANIEL MEDER

VII.

Petition to the General Assembly for an investigation as to the qualifications of the Member from Durham.

TO THE HON^{ble} the House of Representatives for the Province of New Hampshire In General Assembly Convened Nov^r 1755

HUMBLY SHEW Sundry of the Inhabitants of the Town of Durham in Said Province That they apprehend themselves Aggrieved By the Return made by two of the Select men of Said Town of the Person said to be Chosen to Represent the Said Town in the Last Election, for That they Conceive upon a fair Examination of the Facts Relative thereto, it will be found That Joseph Thomas their Late Representative was really the Person Legally Chosen & Ought to have been So Returnd

That the true State of the Case is thus upon Reading & Counting the Written Votes put in it appeared that Lieut Stephen Jones had One more Vote than Said Thomas upon which there appeared a Sufficient Number (who being Doubtful whether it Could be so upon a fair Examination) Desired a Poll to Put the matter beyond Dispute which was accordingly Granted the Event of which was that there were thirty nine Polls in favour of Said Thomas & thirty two Polls in favour of Said Jones— whereupon the moderator Declared the Said Thomas the Person Elected & Directed the Clerk to mark the Entry accordingly— Yet So it is that the Said Jones is Returnd as the Person Elected & Said to be Notified to attend accordingly all which upon an Impartial Inquiry will Turn Out as your Petition^{rs} apprehend to be a misrepresentation & a bold Infringment upon the Rights of Liberties of the Electors & worthy of Inquiry & Examination & Wherefore Your Petitioners Humbly Pray the Premises may be taken under Consideration by this Hon^{ble} House & Such a Resolution form'd thereupon, as Shall be found upon Examination to be agreeable to the Truth of the Different facts & allegations Produced & made by the Different Parties Concern'd And Your Petition^{rs} Shall Pray &c

JOSEPH THOMAS
ELIPHALET DANIEL
JONATHAN DURGAIN
BENJ JESSENS

VIII.

Petition to the General Assembly for authority to open a new road.

PROVINCE OF
NEW HAMPSHIRE }

To his Excellency John Wentworth, Esq^r Captain General and Governour in Chief in and over his Majesty's Province of New Hampshire & To the Honourable his majesty's Council & House of Representatives in General Court Convened This Eleventh Day of February A D 1768

THE PETITION of us the Subscribers being Inhabitants and Freeholders of Durham New market and Towns adjacent.... Most Humbly Sheweth That at his Majesty's Court of General Sessions of the peace begun & held at Portsmouth within and for the said Province of New Hampshire on the first Tuesday of September last: your Petitioners humbly Petitioned Said Court of the Sessions for a "High way of Two rods wide To be laid out from the Bridge at Lamprele River To the Road leading from Durham Point to Durham Falls: in the following manner viz beginning at the Country Road at Said Lamprele River near Joseph Ham's Dwelling House & to Run as the Falls now Runs Through lands of Walter Bryant Esq^r and Abraham Bennitt To lands of Samuel Smith at the Gate at the Head of said Smiths Pasture from thence running between said Smiths & Bennitts Land To the afores^d path at the head of Said Smiths lane and Down Said Smiths Lane To the End thereof Thence running between Said Smiths & Bennitts land & Through Said Smiths Land as the path now goes To Lands of Joseph Chesley Thence Through the Several Lands of Said Chesley The heirs of Ebenezer Smith Esq^r Deceased and John Smith to lands of Thomas Stevenson & through said Stevensons Land between his House & Barn To lands of Joseph Footman & Through said Footmans Land to lands of Dependence Bickford & John Durgin & through said Bickfords & Durgins land To & through Lands belonging To the Said Heirs of Ebenezer Smith To Mathes Creek (so called) near the Mill and over the Said Creek between lands of the Honourable Peter Levins Esq^r and John Kent To Lands in possession of John & Joseph Drew Thence running between Said Levins & Drews Land To a Road Leading from Durham Point to Lamprele River— and at the Court of General Sessions holden at said Portsmouth in December last The Petitioners prayed for a Committee To view The Several Lands Through

which said Road was Intended to be laid out and To Report To the said Court of Sessions Thereon but the Court refused To Send a Committee or to grant the prayer of the Said Petition and accordingly the Petition was Dismissed, by means whereof your Petitioners are much aggrieved as the said Way if laid out would much Commoode your Petitioners as well as his Majesty's Subjects in general: Wherefore your said Petitioners most humbly pray That your Excellency & Honours would Take The Matter under your Consideration & Cause the said place to be viewed & if the Said way Should appear to be necessary & Convenient Then To order the Said way to be laid out and opened in Such way & manner as your Excellency and Honours shall in your great wisdom Think fit and ycur Petitioners as in Duty Bound will Ever pray
Feb^y 11th 1768

| | |
|--------------------------------|-------------------------|
| David Davis | Bradstreet Doe |
| more ^s Edgerley Jr | James Cram |
| Truworthy Duglin jun | George Tuttel |
| Stephen wille Jun ^r | Tim ^s Murray |
| Nath ^l Norton | John Mundro |
| George Bickford | Joseph Drew |
| Volintine Mathes | John Drew |
| John Mead | Joseph wormwood Ju |
| Ede Hall Bergin | Depn. Bickford |
| Zebulun Doe Jun ^r | Francis Mathes |
| Jonathan Doe | John Edgerley |
| Edward Smith | John Smith |

[Endorsed:]

PROVINCE OF }
NEW HAMPSH^r } IN THE HOUSE OF REPRESENT
AVES Feb^y 18th 1768

The within Petition being Read
VOTED That the Petitioners be heard on this Petition the third Day of the Sitting of the General Assembly next after the tenth Day of March next and that they at their own Cost Serve the Selectmen of Durham with a Copy of this Petition and Order of Court that they may shew Cause why the Prayer thereof Should not be Granted

M WEARE Cl^r

IN COUNCIL Feb^y 19th 1768

Read & cⁿcurred

Geo: KING Dep^y Sec^y

PROVINCE OF }
NEW HAMPSH^r } IN THE HOUSE OF REPRESENTA
TIVES March 15th 1768

The Parties being heard on this Petition and the matter Considerd
VOTED That Andrew Wiggin Esq^r Cap^t Elliphelett Merrill and Cap^t Ezekiel Worthen be a Committee to View

the Road Petitioned for to hear what any Persons Concern'd may offer and make Report to the General Assembly as Soon as may be. The Cost of the Committee to be Paid by the Petitioners

M WEARE Cl^r

IX.

Action of the Town on the above Petition.

PROVINCE OF } At a Town Meeting of the Free
NEW HAMPSH^r } holders & other Inhabitants of Durham held at the Meeting House in s^d Durham on Monday the 7th day of March 1768 at 8 O'Clock P M

VOTED that Cap^t Thomas Chesley shall be an Agent in behalf of the Town to answer to a Petition sign'd by Thomas Stevenson & others Directed to the Governor Council & representatives of s^d Province requesting a High way to be laid out from the Bridge at Lamperel River to the Road leading from Durham Point to Durham Falls) and to shew cause why the Prayer of s^d Petition should not be granted

A True Copy— Attest

JOHN SMITH T Cler pro-tempore

V.—COLUMBIA, CONNECTICUT.

PAPERS CONCERNING THE EARLY HISTORY OF THE TOWN.

COMMUNICATED BY PROFESSOR E. F. ROCKWELL.

1.—*Original Petition of the people of what was called "The Crank," but now Columbia, to be set off a Society from the town of Lebanon, Connecticut, 1714.*

To y^e inhabitants of Lebanon the humble Petition of us whose names are under written inhabiting a place called the *crank*, and at Hop river and adjacent to y^e crank with some others that have a right of land near sd crank. Humbly Showeth that Whereas the providence of God who bounds our habitations hath so ordered our settlement in the world so remote from y^e public worship of God, while we and ours stand in great need w^e by Reason of y^e Remoteness of the place of worship, which way ever we goe, that there are but few of our families can constantly attend, and we being got to such a number of families that are here and preparing to come among us that we hope that in case you that are our fathers, breatheren & Christian friends in Lebanon would be pleased to grant us with the accommodation of part of y^e land in the Town

ship of Lebanon w^e we might have y^e worship of God set up among us in some short time w^e we hope, we greatly desire & shall endeavor after, according as y^e providence of God shall lead in that matter. and we hope and are confident that you would do for us w^t you can that may be reasonable for to incorage & promote so good a work. We therefore desire and intreat you who are our fathers, brethren and Christian friends in Lebanon to consider our case & do what you can conveniently to promote such a good work and set out to us for y^e promoting of a society heare, as much of your Township as may be incoreg- ing for y^e same. We dont here pretend to be our owne carvers but desire and request of you that a line may be run from y^e North Pond the westerly line of y^e five mile to the great Chestnut tree on Chestnut Hill which is the Northerly corner of y^e five mile: then to turn eastward in the line of the five mile to y^e Southly branch of ten mile brook so down by y^e brook as the brook runs to y^e eastward part of y^e town bounds to be, to incorage the above s^d society, but in case you cannot comply with y^e above s^d line takeing in all the Land in the Town bounds towards hebron [Hebron] and windham [Windham] we then desire your complance in any other line that you may see cause to afford us for y^e incoreging so good a work: we also desire and crave your help with respect of goining in to y^e Township that land dyng between Lebanon bounds & coventry or so much of it as you may judge necessary for to obtain y^e end above s^d and it seems needful that there be speedy care taken about those of us that live out of y^e bounds of Lebanon that they be brought into y^e bounds, for we understand in case nothing be propounded to further and promote y^e motion above s^d that our friends at Coventry do intend to petition the Generall Court that such of us as are out of y^e bounds of Lebanon might be annexed to Coventry, & if it be once don their may be abundance of more difficulty in bringing about the designe above s^d. and further, seince it is so that we ar y^e most of us must attend to it & we be thereby forc^d to do it we pray that we may be freed from paying to the ministry in Lebanon and also that provided we are incoraged in so good a work as y^e settling of a Society heare that we in a short time be at Charge towards settling of a minister heare by building, breaking up of Land & farming of it in that we thereby may incorage a minister to settle among us: we then desire our Public taxes as to town charges might be also Released to us all, w^e we hope you will Readaly Grant to us your Humble petitioners: and in so doing you will greatly oblige us who are your friends and Neighbours.

LEBANON, feb. ye 28th, 1714-15.

RICHARD MASON, BENJⁿ WOODWORTH, JR,
JOSIAH LOOMIS, JR., SAM^l WRIGHT,

BENJAMIN WOODWORTH, JOHN SWEETLAND,
CHARLES DOWALE, JOSIAH LYMAN,
JOSIAH LOOMIS, THOMAS PORTER,
HENRY WOODWORTH, EBENEZER WOODWORTH,
BENONY CLARK, JOSEPH FOWLER,
EBENEZER RICHARDSON, EPHRAIM TUPPER,
EZEKIEL WOODWORTH, CALEB LOOMIS,
ISAAC TILDEN, BENJⁿ SMALL,
JOS PH CLARK, NATH^l DEWEY,
EPHRAIM SPRAGUE, THOMAS WOODWARD.

2. — *Action of the town, on the above Petition.*

April the 26th, 1715 at a Legall town Meeting of y^e inhabtances of Lebanon they then granted the Petition of y^e People at the crank ented to be a Sossiaty or a township allways Provided that y^e town Reserve to y^m selves all y^e Right of Land in s^d tract, both allotments & Common Right as to y^e, for y^e land & also except Petitioning for an adition between Coventry & Lebanon, and also provided there be no publick taxes Lay^d on y^e Land untill y^e Land be improved as y^e Law directs & also whereas the Petitioners to h^e all the land on y^e westerly side of the five mile, so far as Hebron road from Lebanon: Likewise Provided they pay publick taxes to y^e town untill they have liberty and incoriegement from the Generall Courte to be a Sossiaty or township by themselves, the above written was voted by the Town: at the same time Stephen Tilden, Joseph Owen, John Hutchison, Joseph Hutchison, Joseph Owen Jun., and Moses Owen, all entered their Protest against the above s^d vote.

3. — *Notes, by Professor Rockwell.*

In explanation of what is meant by "the five mile," mentioned in the above paper, we are able to give an extract from the history of the town of Columbia, prepared by John S. Yeomans of that place, and read before an Association of Ministers in Tolland county, Connecticut. "Lebanon originally consisted of a number of pieces of land granted to different persons, at various times, which were finally united into one town, forming one of the largest towns in the State, its extreme length, from North to South, being at least twenty miles. The North line of Lebanon, at this time, terminated about fifteen rods South of the present Andover Depot, on the Providence, Hartford, and Fishkill Railroad; and extended, then, as now, about two miles South of Bzrahville.

"The first Grant was from Oweneco, son and successor to Uncas, Sachem of the Mohegans, to the Rev. Mr. Fitch and Captain Samuel Mason, called the 'Mason & Fitch's mile:' it was one mile wide and five miles long: and abutting, easterly, on the old Norwich, now Franklin, bounds.

"The next Grant was from the same Oweneco,

"and is what is known as 'The five mile purchase' The first book of Lebanon Land Records contains a deed, transcribed from the Norwich Records, and conveys to Captain Samuel Mason, Captain Stanton of Stonington, Captain Benjamin Brewster, and Mr. John Richard of Norwich, a tract of land, nigh and adjoining 'The Mason and Fitch's mile'; and was five miles long and five miles wide.

"The third tract of land granted was to Deacon Josiah Dewey and William Clark, from Rev Thomas Buckingham and John Clarke of Saybrook, and described as lying in the Wilderness, within the precincts of New London county, near a place called Lebanon. And is described as beginning as much northerly of Norwich North-west corner, in the West Side of Captain John Mason's line, and so to run Northerly, leaving a mile at the upper end, to the river Willimantic or Shetucket, against Windham; and to hold a straight line untill it comes within a mile and a quarter of 'Hartford-gentlemen's land'; then bounded by a West line, till it comes to 'Saybrook-men's land'; then bounded on the West by 'Saybrook-men's land'; South by the West line that divides between Abimale and Oweneco, agreed upon by the Committee appointed by the General Court; and easterly by 'Captain John Mason's mile.' This Grant bears date September 20, 1699. This tract covers most of what is now Columbia."

"The five mile" of the above Petition, from its shape, five miles each way, and from its position, seems to have been the second of these Grants.

STATESVILLE, N. C.

E. F. R.

VI.—THE CASE OF STEPHEN ARNOLD.

PAPERS SUBMITTED TO THE GOVERNOR, IN SUPPORT OF AN APPLICATION FOR A REPRIEVE.

1.—*Judge Kent's original Notes of the trial.*

The following is a copy of my original notes taken at the trial of Stephen Arnold.

OTSEGO OYER & TERMINER, Tuesday June 4th 1805.

THE PEOPLE

vs.

STEPHEN ARNOLD

Indictment for the murder of Betsey Van Ambey at Burlington on the 10th day of Jan^y last by whipping her to Death & of which whipping she died on the 14th Jan^y.— Plea not guilty.

WILLIAMS | Dist Att^y | for the people
GOOLD, of Counsel for the Prisoner.

Testimony for the People.

1. DOCTOR GAUIS SMITH— He states that on Saturday about the 12th Jan^y. he was called as a physician to see the child—he found the child very sick & its hands rough. The child lay in Mrs. Arnold's lap. He supposed it had worms. That the prisoner came after him the next morning, very early, & said he was undone & cried. He said he had whipped the child to death, & offered to give all he was worth if the doctor could save the child & would keep it secret. They went together to the prisoner's house. He saw the back of the child & advised to send for two other physicians. The prisoner confessed to him that he had gotten eight birch sticks & trimmed them out & supplied them in the fire, & said that he did not think he was then going to whip her to death. He confessed that he took her out because she was obstinate and would not spell & that it was done in the evening of Thursday the 10th. The Doctor said that on examination of her he found the child cut & mangled shockingly from the calves of her legs up to the middle of her back. That the bruised parts appeared to be withered & dead & sunk down. That the child died on Monday night following & he believed the whipping was the cause of her death. That the prisoner said that his wife advised him to whip the child as she was obstinate & would not read & that his wife had whipped her before & that it did her good.

DOCT. EZRA S. DAY—stated that on Sunday morning he was called on by the prisoner. That the prisoner cried & confessed that he had whipped the girl by stripping her clothes over her head & holding her across a stake with her toes on the ground; that he whipped her with a number of sticks & took her out a number of times; that it was on a Thursday Evening preceding; that she was black from her shoulder blades to her legs & would die. That the witness & one Ross went & examined the child; that he found her flesh bruised & lacerated from her shoulders to the calves of her legs. That he does not suppose the girl could have been cured. That the girl was out of her head when he saw her & begged of them not to whip her to death; that the prisoner went off that day. That the prisoner offered

to give all his property if he would cure her & keep it a secret. That the prisoner said he whipped her because she was obstinate & would not spell certain words. That the girl had a high fever & appeared to be about six years of age.

REBECCA HUBBLE said she visited the girl on Saturday Evening with her husband. That the prisoner was then at home. That no information was given her then. That Mrs Arnold appeared shy & the room was dark, with wet wood on the fire. That the child was very sick & Mrs Arnold said she had worms & that she had been sick from Thursday Evening. That the child kept gagging. That she heard the prisoner on the next day in the afternoon say that he had been a cruel creature & had whipped the child to death & would give all he had to save it. That upon the administration of Clysters there were bloody discharges from the child.

SALLY ADAMS.—said she lived in the house of the prisoner. That she saw the prisoner take the girl out seven times & it was an hour and a half from the time the girl was taken out the first time till the girl came in the last time. That the prisoner said he pulled the clothes over her head & held her over a crotch. That the child was very much bruised from her shoulders to her heels, as she saw her the same night, but she was not very bloody. That when the girl came in each time she said she could spell & would try. That the girl was never ugly before. That the girl would not pronounce the word "gig" as the prisoner wished. That the girl said she could and would pronounce it. That the girl did not cry much & was very smart to learn. That the prisoner used before to speak well of her. That the girl talked as free as ever between each whipping. That the prisoner did not appear angry till the last time. That the girl said she could do better & would. That the girl did not complain much. That the witness expected the fatal whipping was the last time. That before the whipping commenced the girl pronounced the word right & so she did after the last whipping. That the girl was not sick the next morning & set up & played the next day. That the girl got up herself on Saturday morning

& grew worse about Saturday noon & the witness went to Mr Rudd to go after the doctor. That the prisoner went on Friday to keep school & on Friday night said he was sorry he had whipped the child. That the girl had on shoes & stockings & nothing was discovered or said on Thursday Evening about the feet of the child being frozen. That the girl was well & hearty before the whipping. That the girl all the time during the space of the seven whippings tried to pronounce the word "gig" & the prisoner never told her how to pronounce it till the seventh time. That the witness has seen beech sticks bushed & worn up & supposed them to be the sticks. That the prisoner was out with the girl near half an hour the last time. That the whipping was beyond the wood pile & she heard no crying. That the prisoner used to whip his scholars if they cried. That the prisoner before he began to whip & while at supper pronounced the word "gig" right. That the girl was partly high & partly low Dutch. That the girl said during her whipping that she was ugly & wished she was better. That the witness heard the girl say before she went out the first time that she did not mean to go out but once before she would pronounce the word. That the girl during the sixth interval asked for leave to warm her feet & each time sat by the fire. That the interval between each whipping was perhaps ten minutes. That the prisoner kept school for six or seven years. That the witness had lived with him some years & he never offered any abuse to her. That when the prisoner brought in the girl the last time he pulled up her clothes & Mrs. Arnold said "O my God Arnold, you have killed the child" & the prisoner said he hoped he had not whipped her so as to kill her. That the witness heard the prisoner say when he whipped the child on another occasion that he did not care if he whipped her to death.

ELIPHAS ALEXANDER.—Heard the prisoner confess he had forfeited his life & that the whipping arose from his malignant passions.

SAMUEL HUBBLE.—Said he was a neighbor of the prisoners & saw him once passionate at a Cow.

The Prisoner called no witnesses, &

upon the preceding testimony the Counsel on each side addressed the Jury.

JAMES KENT.

2.—*Letter of E. Phinney, Esq., to the Governor.*

OTSEGO VILLAGE, Feb. 10, 1866.

MAY IT PLEASE YOUR EXCELLENCY:

On Friday last the unfortunate Arnold sent a request that I would visit him with which I immediately complied. I had not seen him for several months. I found him in the dungeon confined to the floor by a very heavy log chain; and as soon as my eyes had become assimilated to the "darkness visible," a visage, sunken by grief, remorse, and despair presented. He wished me to draft a new will for him, as that which he executed the last day of May was rendered inapplicable by the subsequent sale of some land: and as he had bequeathed 100 acres to his Sister & two brothers, who although they were apprised of his awful situation had neither of them visited him. He proposed to bequeath the whole & the little which remained of his hard Earnings to his wife, with a clause which required her to pay to the *Advertising Committee* the \$200 which they were obliged to pay at Pittsburgh as a reward for his apprehension, observing that they had done right. And as he understood that they could not be indemnified by the State, he conceived that in justice he ought to make them good, if in his power. It may be suggested that the idea had been communicated to him through friendly policy; but he solemnly declared to the contrary: and for myself I do Solemnly declare that I never before heard or conceived of such a proceeding: and from the whole tenor of his conversation, and a careful attention of his eyes, those faithful interpreters of the heart, I have no reason to conclude that the policy of the bequest ever had entered his heart, but that it was dictated solely from the monitions of a tender conscience: And in my life I never conversed with a person apparently so scrupulously determined to neither do nor omit anything which a good conscience would disapprove, or require, than the unhappy Arnold during the whole of his tedious imprisonment. A petition from him will be presented to the legislature, which I conceive will relieve them from a constitutional

embarrassment in case they should not grant him a pardon

I am with great respect

You Excellency's obedient S^t

E PHINNEY

His Excellency Gov LEWIS

3.—*Petition of the Prisoner.*

TO THE HON. THE LEGISLATURE OF N. Y. IN SENATE & ASSEMBLY CONVENED.

The humble petition of Stephen Arnold humbly sheweth:

That your humble petitioner is deeply sensible of the heinous nature of the rash and cruel act for the perpetrating of which he is under the awful sentence of death: that he solemnly declares that he never contemplated, designed, or intended, the death of the child, who, as it appeared, died in consequence of his barbarous severity: that his affections for the child had increased from the time of her first residing with him, until the fatal period, when, in a fit of extreme and violent passion, he inflicted an inhuman and unjust chastisement, for a childish obstinacy.

Your humble petitioner doth therefore pray that your honorable body would graciously grant him a pardon in which case his whole life shall be devoted to the endeavor of deserving such an act of grace & mercy, by a contrite heart and a vigilant caution in all his conduct: and, in case he should be deemed too guilty to obtain a pardon, that his punishment may be graciously mitigated by being confined to the State prison, at hard labor, for such a term as your honorable body shall adjudge, to which your petitioner will cheerfully & gratefully submit.

STEPHEN ARNOLD

VII.—THE EASTERN SHORE OF NORTH CAROLINA, IN 1861 AND 1862.

A STATEMENT OF JAMES NORCOMB TO GENERAL F. SIGEL, AT BALTIMORE, IN 1865.

[DEAR MR. DAWSON:

I send you enclosed the statement of Mr. Norcomb, of which I spoke to you when I saw you lately. You will probably find it of interest, although in regard to the political sentiments expressed, we must make due allowance to time and circumstances under which it was written. The correct date I have forgotten: but I think it was in Summer, 1865, when Mr. Norcomb saw me in my office in Baltimore, and responded to my request. The statement was at that time of great interest to me, because you remember, from my letters and papers, that I regarded *North Carolina* as the most important region for a great diversion from the North, its occupation and control involving the evacuation of Virginia by the Confederate army, under

Lee, or, at least, subjecting that army to the greatest disadvantages in a strategical point of view.

With my best regards and truly
Your friend,
F. Sizer.]

This is given as a plain statement of facts which transpired in North Carolina, about the years 1861 and 1862. When General Burnside took possession of North Carolina, by the military forces of the United States Government, a Convention of the People of the State had been called, voting whether or not a Convention should be held, and at the same time voting for members of said Convention. It was not thought necessary to hold said Convention, therefore a call for the Convention was rejected by the voters of the State, and, at the same time, the candidates to said Convention were Union men by a large majority. After which time, Governor Ellis, then Governor of North Carolina, took possession of Fort Macon, the arsenal at Fayetteville, and all the military establishments belonging to the United States. If our Government had placed the State of North Carolina in the security in which she justly deserved, at the time, and guarded by military force all the avenues of egress and ingress into the State, from her vast majority of Union men, at that time, no Ordinance of Secession would ever have been passed, but the old North State would have been a bright star in the constellation, in sustaining this, our glorious Union. All provision and forage for the army would have been for the United States instead of giving aid and comfort to its enemies.

Thousands of her citizens were then ready to die in defence of our glorious flag; and such bold and manly assistance as they would have given would have gone down to posterity as a bright escutcheon of her devotion to our common country. But things went otherwise. We were in the line of direct trade, and the military hand of *seccens despotism* was planted in our lovely old North State, and the most sturdy were bound to bend as the mighty oak will bend to the storm, until we were uprooted and our soil became that—*What?* the land of traitors to their beloved country. What is yet to be the consequence, God only knows. The present state of legislation is now against every thing pertaining to order and good government; and all their ends, at the present time, is to demolish the grand structure of this Union. This is given upon mature reflection; and the facts well known to the writer, being conversant with the affairs of this, his native State, for forty years. If this statement can be of any avail to protect the Union portion of her citizens, God grant that these few lines may be remembered and made known.

Respectfully,
A NORTH CAROLINIAN.

QUESTIONS ANSWERED.

QUESTION. About how many provisions were sent from North Carolina to the army of General Lee? And how was the transit of goods and provisions through North Carolina?

ANSWER. In the eastern part of North Carolina, large portions of provisions were sent: one farmer, T. D., alone furnished about seventy-five thousand pounds, annually, of pork and bacon; F. W., G. P., I. W., R. H. S., A. R. E., W. W., I. B., and S. S., each furnishing about two hundred thousand pounds; and the quantity of provender, besides the vast amount of meat and corn, is astonishing. I would say that the gross quantity of pork and bacon, from a few of the eastern Counties, could not have been less than ten millions of pounds of pork and bacon, annually; and the Counties of Chowan, Perquimons, Pasquotank, Camden, Currituck, and Gates, may be included, averaging about forty thousand barrels of corn, annually; besides the Counties of Washington, Tyrrel, and Hyde, which furnished, through blockade-runners, large quantities of pork, bacon, and beef. The transit of these provisions was mainly across the waters of Albemarle Sound and the Chowan-river, North of the Railroad leading from Norfolk to Weldon, N. C. After this vast amount of provisions were sent across the Chowan-river, it found its way immediately to the Norfolk and Virginia Railroad, to Petersburg, Richmond, and to General Lee's army. The Counties of Bertie, Martin, Hertford, and North Hampton, on the rebel side of the Chowan, (West.) added no small amount to the army of General Lee. All the transportation of provisions and goods for the army of General Lee, from that section of North Carolina, was taken across the Chowan-river, between the points before-mentioned. Meat, etc., were exchanged by Jeff. Davis, in Richmond, for cotton and tobacco.

QUES. How many goods by blockade-runners went across into the army of General Lee?

ANS. Goods running the blockade, were sent from Norfolk principally by this route. Large quantities of shoes, cavalry boots, clothing, sugar, and coffee were carried by this route. I have known one hundred bags of coffee, and thousands of pounds of sugar, *carried over in one night*. Cotton and tobacco were exchanged, carrying on a large traffic for the rebel forces; agents were distributed through the before-mentioned Counties, with large quantities of tobacco and cotton, to be always in readiness for exchange, at available points, on or near the Chowan-river, South of the railroad. At least one hundred thousand boxes of the Virginia and North Carolina tobacco were exchanged, even

after the United States forces had taken possession of Norfolk.

Ques. How many Railroad lines ran through North Carolina from Richmond?

Ans. Richmond had three avenues of trade by Railroad: one through Wilmington, one from Tennessee, and the one referred to, from Norfolk, Virginia.

Ques. Were they destroyed by General Burnside?

Ans. He only touched a branch of the Wilmington road, which sent to General Lee's army the smallest quantity of provisions of any of them, as it was located in and around Newbern, where the land was poor, and but a small quantity of provisions of any kind was ever shipped.

Ques. How far did the troops go into the interior? And did they reach those Railroad lines and destroy them?

Ans. After the capture of Hatteras and the fall of Elizabeth City and Roanoke Island, Newbern next fell; and the troops made a diversion in the interior, in the neighborhood of that place. But so far as going into the interior and stopping the transit of provisions, generally, by Railroad, to General Lee's army, no such thing took place. Neither was the railroad communication cut off, except at that branch around Newbern.

Ques. Was the blockade effective?

Ans. It was not. Hatteras was fortified, which protected the Pamlico Sound; Roanoke Island was fortified, which protected the Croatan Sound; Plymouth was fortified, which closed the mouth of the Roanoke-river; and Newbern was fortified, which closed the mouth of the Trent and Neuse-rivers; besides the Harbor of Beaufort protecting Bouge Sound. Troops were also stationed at Beaufort and Morehead City, the terminus of the branch of Railroad to that place.

Between these points of fortification, there was a vast opening which was at all times taken advantage of, to feed and clothe General Lee's army. Plymouth being eight miles up the Roanoke river, and distant seventy miles from Roanoke Island, all the intermediate country between those points being productive and the richest portion of North Carolina, the produce easily ran the blockade up the Chowan-river,* where these conveniences of transportation to the army of General Lee existed. The Chowan-river being one of the great thoroughfares to the army of General Lee, as regards provisions, the afore-mentioned Counties, sending all their surplus provisions, and parts of the army of General Lee passing through this whole section of country unmolested, *only by occasional raids*, gathering up and taking quietly away, in Gov-

ernment wagons, of the so-called Confederacy, all the goods and provision of any and every kind which they found, paying the standard value placed upon such articles of clothes and provision by the so-called Confederacy. The Counties bordering on the waters of Albemarle Sound and the Chowan-river being the richest in North Carolina, the rebels quietly made that their place of trade, without placing any troops, to avoid being attacked so as to cut off that very large supply.

Ques. How many Volunteers (about) do you think the United States could have got from North Carolina at that time (Spring of 1862) to increase the United States forces, if they had had the necessary protection.

Ans. If an army of fifty thousand men had been stationed, permanently, in North Carolina, at that time, she would never have passed the Ordinance of Secession; and at least one hundred thousand men would gladly have rallied around the standard of the Stars and Stripes and protected and sustained the Proclamation of the late lamented A. Lincoln.

Ques. What places or place do you think were the best to be occupied, as points to start from, with the United States forces, into the interior of the State of North Carolina?

Ans. The Chowan-river should, by all means, have had an army of at least twenty thousand men. The Federal fleet that was stationed in the Sound, occasionally passed up the Chowan-river; and in almost every instance was fired on by the Confederates upon the West side of the river, leading to the railroad. It is probable that if a Federal force had been placed near that river, the rebels, knowing the vast amount of supplies from that quarter, would, by every means, have been employed to drive them off, for it would have been cutting one of the arteries of their subsistence. The progress into that part of the State should have been followed by an untiring determination at least as far as Weldon, the great depot of the State, where the different roads meet; and the possession of that point alone would have driven the army of General Lee from Virginia one year sooner than his capture. The Wilmington blockade should have been complete; and then no foreign goods could have found the army of Lee, except by the channel, which should have been guarded at Weldon.

Ques. How was the political sentiment in the largest cities of North Carolina, in proportion to the population in those cities?

Ans. The political sentiment was, in the years of 1861 and 1862, in favor of North Carolina remaining in the Union; and the people in the country at large would have sustained the United States Government, politically.

* Sometimes one hundred boats were passing Edenton, at night, bringing provisions to the army of Lee.

When the question of the call for a Convention and members came up, the People of the State elected a large majority of Union members; and, at the same time, rejected the call, as they did not think it necessary. But when Governor Ellis took possession of the arsenal and the different fortifications, and another call was made for a Convention, the yoke of despotism was placed upon the necks of a free people and a Convention was held, which members being elected by small votes, having no opposition, the country, wanting assistance from the Federal Government, was *down-trodden, drafted, conscripted, proscribed, and ostracised* to that extent, by the civil and military powers, that all Union-loving citizens gave up the State.

Ques. How was it with the German element? Did they like to volunteer for the rebels, and did it have influence with them in politics?

Ans. There were so few, that as far as my information went, they were favorable to the Union, and their political associations were for the United States Government.

Ques. How was it with other nationalities?

Ans. The State of North Carolina, I suppose, had fewer adopted citizens, from any foreign countries, than any other State in the Union. The foreign element was, in nine cases out of ten, in favor of the United States.

Ques. Do you know, whether at the time of General Burnside's expedition, certain places in the interior were fortified, and how many, and whether or not held?

Ans. Hatteras, Roanoke Island, Newbern, Beaufort, and Plymouth were the only places held and fortified by the Federal forces. All of them were on water courses; and no military station was occupied, except on raids, for a few days only, in the interior of the country.

Ques. Do you know whether the rebels had any arms, and guns, and equipments, and where they got them?

Ans. All the arms of every description were surrendered to the officers of the rebels, by all persons owning them, as they had implicit orders to take the same, wherever found. All the arms that the Volunteer Companies had from the State, before the war; some small field pieces that were at different towns, kept for firing on the national days; and the arms from the arsenals and forts were taken possession of; besides the large quantity *said to have been furnished* by Secretary Floyd.

Ques. What would you say about the negroes, at that time, and now?

Ans. The negroes, at that time, were in a state of great uncertainty; they were being taken to work on all the rebel fortifications, and would do any and everything to please those that had control over them. They were

polite and being cared for by their owners; and, as a people, without cares, a large majority of them were happy. But when they found that the United States Government intended to *free* them, their course of conduct was very soon changed. Without any sort of resistance, or violence, or even impudence, to their former owners, they, upon the first opportunity, left and went into the Federal lines and continued to go. When the Proclamation of A. Lincoln made them free, some few asserted their right where they resided; but timidity, in some, caused them to leave their homes, until the close of the war. They were well clad and had plenty to eat, but hid their work to attend to, in their different vocations. Now, their condition, as regards food and raiment, is worse than their former condition. Since they have been free, all the old former rebels do everything in their power to subject them to all and every inconvenience. They are cheated in contracts; abused; and even the Civil Courts do not do them justice; and all know that the laws of the Southern States, still persist in holding them in subjection. Yet you find the schools adding much to their improvement; and the aid of the Freedman's Bureau an institution which will, if carried out, protect them and place them, at no very distant day, superior to any position they ever occupied. I have had an opportunity, for the last three months, to give it my especial attention, as I have been engaged taking the census of the colored population under the United States Government. The Freedman's Bureau should not be abolished, as it teaches them politeness, gives them respectability, and makes them know that they are subservient to the laws of their country, thereby making them good citizens.

Ques. About what time did the Federal forces, under General Burnside, reach North Carolina; and did you have any conversation with any of the officers commanding the expedition; and with whom and what was the nature of such conversation?

Ans. After the capture of Hatteras and Roanoke Island, by the Federal forces, about the twelfth day of March, they came to Edenton, North Carolina, at the head of Albemarle Sound. Captain Graves, of the United States steamer *Luckwood*, was the first to put his foot on the wharf, at that place. I met him and introduced myself to him and made known to him I was a Union man and had been delegated by the citizens to meet the Federal authorities. He remarked that he was pleased to meet me as such, and, as Commander Palmer had charge of the expedition, he would take pleasure in presenting me to him. In a short time,

several other gun-boats of the United States' Navy came near the wharf; and I was introduced to Commander Palmer and then Lieutenant Flusser, who afterwards had command of the Albemarle Sound. Commander Palmer wished to know if there were any soldiers in rebellion, in or near the town. I told him that two Companies or parts of Companies were in barracks, in and near the town; and upon the approach of the United States fleet, they had all left. He asked me if there were any supplies, in or near the town. I told him there were none. He then stated that there were a quantity of old cannon, in or near the town; and that there were two brass pieces in the town. I showed him some ten or twelve thirty-two-pounders, that had been sent to Edenton, in 1818, and had been exposed to the weather and had never been used. He had the trunnions broken off and the cannon spiked; and they were never moved afterward, even to this day. The two brass pieces which were held by the town, were two pieces taken from the British, in the War of 1812; which had been used in the town, for firing the national days of the United States—one of them, a four-pounder, had been taken to Roanoke Island, which was captured, when Roanoke Island fell; and the other had been taken off by one of the Companies that had left the intrenchments. Commander Palmer saw, in my office, a political text-book, open at the Proclamation of Andrew Jackson: he asked me who would read such an instrument, at such a time. I told him that the night before, I had read it and insisted that the Proclamation of Andrew Jackson was good; and that it had been followed by a Force Bill, in Congress; and that the then Proclamation of Abraham Lincoln was good, and ought to be followed by just such a Proclamation; and that all rebels against the Government of the United States should be stopped at once.

I told Commander Palmer that the people of North Carolina wished to be loyal to the United States Government; but that such influences as were then being brought about, would soon endanger the State. I told him that I hoped he would not leave us defenceless, as the troops of the then Confederates could come in upon our back, at once. He said we would be protected. I had a long conversation with Lieutenant Flusser, and urged upon him the immediate necessity of leaving troops or occupying some position on the Chowan-river, between the town of Edenton and the Railroad leading through Suffolk. I explained to him the necessity of such a point. He coincided with me, as at Plymouth, on the Roanoke: they soon took up a military position with the fleet, to watch the Sound and to prevent

the illicit trade. A small squad of men were placed about fifteen miles from Edenton, on the Chowan-river, and immediately they had, from the adjoining country, about one hundred men, North Carolinian Volunteers, in the Union army, which post was successfully managed, (considering the small number of troops) by Captain Jos. W. Etherage of Chowan-county. This small Company more than provisioned themselves from the blockade-runners, and became very obnoxious to all the rebels, in that and the surrounding country. It is disgraceful to relate, that the only true position to be held with a strong force, by the United States, in that section of the country, was allowed to be captured by the rebels, when gun-boats could have been in attendance and successfully kept all provisions on this side of the Chowan-river. Fortunately, however, very few that were in the block-houses were captured, as they all know well the country and made their escape. When that place fell, I saw Commander Flusser, who commanded, at that time, and gave him a written plan of what I thought would be effectual. He told me he knew the actual necessity; but that he had command of the fleet and would render any assistance in his power, if it could be done. The consequences were, that, until the fall of Richmond, and, until Weldon fell, our section was always open to supply the rebel army.

ADDITIONAL NOTES TO THIS STATEMENT.

The commanding officer of the garrison, at Plymouth, was General Wessels. His bravery, courage, and gentlemanly deportment could not be surpassed by any man, all having implicit confidence in his military skill and his kind and humane treatment, among the officers that visited the Sound. Commodore Flusser and Admiral Rowan ought ever to be remembered by every lover of humanity and good order.

The naval officers, Captain Graves, Captain Joslin, Captain French, and Captain Barret were officers who also deserved the gratitude of the people, for their kindness in that section of the country. In the Treasury Department, Colonel D. Heaton is not to be surpassed by any man on record, for loyalty and strict forwardness to duty.

In regard to General Burnside, (with whom, however, I was not personally acquainted) I must say, that it was the general impression of the people, if he had remained in North Carolina, things would have taken a different, i. e., a much more favorable, turn. The army officers were all polite; but there were certain officers in the navy, who excelled greatly by their pomposity and could hardly be approached by any

loyal man. E. Stanley, the military Governor of North Carolina, at that time, did everything in his power to bring about a Union feeling, in that State; and as he was a North Carolinian, the Secessionists were the more embittered against him, when he took a position under Abraham Lincoln. He yet deserves the thanks of all good citizens in the State.

Palmer was the first Commodore of the fleet in the Sound. When he returned on a visit, after two years, he was standing on the hurricane-deck of the transport vessel, (coming from Newbern) and seeing me waving my hat, he exclaimed, "Hurrah! hurrah! for Norcomb. "Norcomb is still at his post."

During the war, several of the large fisheries were in operation on the Chowan-river, sending large quantities of fish to the army of General Lee. The fortifications at Hatteras, Roanoke-island, near Edenton city, at Winton, on the Chowan-river, at Washington, on the Pamlico-river, and at the forts on the Neuse and Trent-rivers, which were around Newbern, and Fort Macon, one of the United States forts that were taken possession of by the rebels, were all captured by the army of General Burnside.

The steamer *Philadelphia* ran the blockade through Albermarle Sound and carried, at one time, two hundred and fifty thousand dollars worth of clothing and provisions for the army of General Lee, taking cotton in exchange. They offered Mr. Norcomb one pound of meat for one pound of cotton. Meat selling for four dollars at that time.

The ram, *Albermarle*, was permitted to be built, up the Roanoke-river, and allowed to come down and destroy the *Southfield*, and was the death of Commodore Flusser—taking Plymouth, with General Wessels and his whole army of about two thousand.

The Counties of Chowan, Gates, Perquimons, Pasquotank, Camden, Currituck, Hyde, Tyrrel, Washington, Beaufort, Martin, Edgecombe, Nash, Bertie, North Hampton, Hertford, and Halifax are not surpassed, in an agricultural point of view, to any number of Counties in the Union.

Horses, wagons, and army implements, that were required, the rebels took and paid in Confederate money, at their stated prices. The Agents buying bacon, horses, etc., would pass with barrels of Confederate-money, to pay for the same.

—The name of Old Orchard Beach arose from a growth of apple-trees, formerly, near the beach, planted at a very early period; some of them remained as late as 1770.

'VIII.—FLOTSAM.

[These scraps have been picked up in various places and brought to this place, "as they are," without any voucher for their correctness, and with no other object than to secure for them the attention of our readers.

We invite discussion concerning each of them; and if any of them are incorrect or doubtful, we invite corrections.—Ed. His. Mag.]

REMINISCENCES OF THE THEATRE, IN COLONIAL DAYS.

Mr. Dunlap, whose *History of the American Theatre* is regarded as authority, says (on Page 15, Vol. I.): "On the 15th of September, 1753, "at Williamsburg, the capital of Virginia, the "first play performed in America, by a regular "Company of Comedians, was represented to a "delighted audience. The piece was *The Merchant of Venice*, and it was followed by "the farce of *Letho*." The farce, it may be here remarked, was written by the celebrated Garrick; and Dunlap makes it a matter of congratulation for the American people that, at this alleged first dramatic representation, Garrick "waited on "Shakespeare." It may appear presumptuous in us to controvert this assertion of the acknowledged historian, regarding matters theatrical, and to claim for our own city of New York the honor of being the first place in America, where the English drama was brought out, by professional actors. We have no desire to deprive the Old Dominion of any honors to which she is legitimately entitled; but the truth of history compels us to dissipate the illusion under which Virginians have so long rested, and to set forth the case as it really is. Indeed, it would seem that even the State of Maryland is entitled to precedence over Virginia, in this particular. At least, it is certain that a theatre, or "play-house" was in existence in the city of Annapolis, when the Company of Comedians, which Mr. Dunlap avers were the first that ever came to this country, arrived in Virginia. That the people of Annapolis were not, even at that early day, unused to dramatic representations is evident from the fact that the Maryland papers then published make mention that the "new" theatre erected in that city—the adjective term being used, probably to distinguish this particular temple of the Muses from the "old" theatre which had previously been the recognized place of amusement. In the *Maryland Gazette* of July 6, 1752, there appeared the following advertisement:

"By permission of His Honor the President "of the colony) at the new theatre in Annapolis, "by the company of comedians, on Monday "next, being the 18th of this instant, July, 1752, "will be performed a Comedy called the *Beaux Stratagem*. Likewise a farce called the *Virgin unmasked*. To begin precisely at 7 o'clock. "Tickets to be had at the printing office. Box, "10 Shillings; Pit, 7 and 6 pence; Gallery 6

"shillings. No person to be admitted behind "the scenes."

Subsequently, *Richard III.* was performed at this theatre, a Mr. Wynnell (Winell) taking the principal character and a Mr. Herbert personating Richmond. Mr. Dunlap, it will be remembered, claims that the representation, on the fifteenth of September, 1752, at Williamsburg, Virginia, was "the first play performed in America;" whereas two months previous to that time, as appears by the above, a "Company of Comedians" entertained the people of Maryland's capital, at their "new theatre." This Company, as we propose to show, hereafter, was originally from New York, where they had played, long before; and they are spoken of, in some instances, as "the New York Comedians." The author of *The Theatre in America* alludes to this performance, in a note (Vol. I., p. 20); and, with reference to the "new theatre," he says it was "probably used by boys or young men, to enact "plays after their fashion, as was the case, and "will be the case, everywhere." That the "probabilities" are all in another direction, and that the players were legitimate disciples of Theopis, who had previously performed in New York, we shall prove, further on.

We come now to consider the proofs as to our own city being the place where dramatic representations were first given in America. Mr. Dunlap asserts that the inauguration of the drama, on this Continent, is due to Mr. William Hallam, of London; that 1752 was the year in which, and Williamsburg, Va., the place where, the drama was inaugurated. That Mr. Hallam did send a Company of players to America, in 1752, is undoubted; and that they began their performances in Williamsburg is also a fact; but that they had predecessors is none the less a verity.

We may be pardoned for digressing, here, for a moment, in order to set forth the condition of the theatre in England, in the early days of which we write. At that time, Garrick was at the summit of his fame; and the old playhouse of Goodman's Fields, London, was nightly filled by men and women, of high and low degree, to witness his unequalled personations of the immortal bard's creations, as well as those of dramatic authors of lesser note. Mr. Dunlap says of that era:

"The state of the drama was, in 1750, much "more brilliant than it had been, for the last half "century, or is now" [*he wrote in 1833*] "in "Great Britain. The best and the greatest men "of the country wrote plays and attended the "performance. The pit of the theatre was the "resort of wit and learning; while fashion, beauty, taste, refinement, the proud, exclusive aristocracy of the land, took their stations in the

"boxes surrounding the assemblage of poets and "critics, below."

It was in this very year (1750) that the drama was founded in America, and not two years later, as Mr. Dunlap asserts; and New York, not Virginia, was the Colony in which it was inaugurated. The first mention we find of any professional actors being in the Colonies is contained in a paragraph which appears in *The New York Gazette, revived in the Weekly Post Boy*, February 26, 1750; and is as follows. We give it *verbatim*:

"Last week arrived here a company of comedians from Philadelphia, who, we hear, have "taken a convenient Room for their Purpose, "in one of the Buildings lately belonging to the "Honl. Rip Van Dam, Esq., deceased, in Nassau-street, where they intend to perform as long as "the season lasts, provided they meet with suitable encouragement. For the Time of their Beginning, see the Advertisements."

The names of all who compose this "company of comedians" we cannot determine, and under whose management they first were, is not known; but that one, Robert Upton, who was connected with Mr. Hallam, at Goodman's Fields Theatre, in London, became Manager, afterwards, and before Hallam's troupe left England, is undoubted. On turning to "the advertisements" of the *Weekly Post Boy*, we find the following, which is transcribed literally from that journal:

"BY HIS EXCELLENCY'S PERMISSION:

"At the Theatre in Nassau Street;

"On Monday, the 5th Day of March next, will "be presented,

"THE HISTORICAL TRAGEDY OF KING RICHARD III, "Wrote originally by Shakespeare, and altered "by Colly Cibber, Esq;

"In this play is contained The Death of K. "Henry VI: the artful Acquisition of the Crown, "by K. Richard; the Murder of the Princes, in "the Tower; the Landing of the Earl of Richmond; and the Battle of Bosworth-Field.

"Tickets will be ready to be delivered by "Thursday next, and to be had of the Printer "hereof; Pit, 5s. Gallery, 3s.

"To begin precisely at Half an Hour after "6 o'clock; and No Person to be admitted behind the scenes."

Here, then, (1750) we have the first attempt to introduce the personated creations of Shakespeare to the notice of our ancestors, on Manhattan Island. Doubtless it would interest and amuse our readers were we to describe the rendering of the "historical tragedy," which, on that fifth of March, now more than a century ago, broke upon the sight and hearing of the New Yorkers of that day, or were we to draw a pen-picture of the original theatre which the "comedians" had, with admirable foresight, provided for the dis-

play of their histrionic abilities—that “convenient room,” in the building of “the Honl. Rip Van Dam, Esq.”—and contrast it with the gorgeous dramatic temples now scattered over our great metropolis. But our’s is the task of the historian, simply, and we must forbear.

That these actors were professional people is evident. They were styled a “Company of Comedians;” and the public were told that they would “perform as long as the season lasts, provided they meet with suitable encouragement.” It is plain, therefore, that they intended to perform for “the season;” and that they depended on the encouragement they received from the public for their livelihood, which would not have been the case were they simply amateurs, as they must have been, if Mr. Dunlap be correct. That they “arrived from Philadelphia” may be easily explained. Many vessels sailed between the Quaker City and the “Mother Country,” at that time. Philadelphia was a most important city, outrivalling New York, in fact, in those early days; and the “Company,” in all probability, sailed from London to the then most prominent place in the Colonies, which was Philadelphia. There is no evidence, however, that they ever performed in that city; indeed, we know that, some years after 1750, when Hallam’s Company attempted to establish a theatre in the “City of Brotherly Love,” the effort was sternly resisted and permission to perform was granted only after a most determined struggle, on the part of Hallam’s agent, Mr. Malone.

The Company met with success in New York, if we may judge from the fact that “the season” lasted nearly five months. The “historical tragedy of King Richard III.” appears, from the notices and advertisements, in the press of that time, to have held the boards for another representation; and the programme was then altered to “*The Spanish Fryar; or, The Double Discovery*,” wrote by Mr. Dryden.” The next change was to “*The Orphan; or, the Unhappy Marriage*,” wrote by the ingenious Mr. Otway,” which was supplemented by *Beau in the Sudds*, *The Mock Doctor*, *Beaux Stratagem*, *King Richard*, *George Barnwell*, and other plays that were then running the stage, in London. The first season closed on the twenty-third of July; when *Love for Love* and a farce called *The Stage Coach* were given. The next season opened on the seventeenth of September, of the same year, (1750,) with the Comedy of *The Recruiting Officer*; and the next night witnessed the performance of Addison’s *Cato*. In the *Weekly Post Boy* of the twenty-fourth of September, we find the following, touching this performance, which is inserted here as a specimen of the theatrical

criticism, if we may call it by that name, in which the press of that day indulged:

“Thursday evening last the Tragedy of ‘Cato’ was play’d at the Theatre in this city before a numerous Audience, the greater part of whom were of Opinion that it was pretty well perform’d. As it was the fullest Assembly that has appear’d in that House, it may serve to prove that the Taste of this place is not so much vitiated or lost to a sense of Liberty, but that they can prefer a Representation of Virtue to those of a loose Character.”

Following the old files down to later dates, in the year 1750, we find, among other notices, showing that this theatre was “in the full tide of ‘successful operation,’” the following, taken from the *Weekly Post Boy*:

Nov. 5.—“The Play House is new floor’d, and made very warm; And this evening *Sir Harry Wildair* will be performed, with the ‘Pantomime.’”

Nov. 19.—“This Evening will be presented, a Comedy called *A Bold Stroke for a Wife*. The House being new floor’d, is made warm and comfortable; besides which Gentlemen and Ladies may chose their stoves” [*the foot stoves used in those days*] “to be brought.”

DEC 3.—“This Evening will be presented, a Comedy, called, *The Beggar’s Opera*, with a Farce, called, *The Mock Doctor*.”

DEC. 31.—“By his Excellency’s Permission (For the Benefit of Mr. Murray;) On Monday, the seventh of January, will be performed, a Comedy called, *A Bold Stroke for a Wife*. (being the last Time of its being perform’d this season.) To which will be added, an entertainment called, *The Devil to Pay*, or, *The Wives Metamorphos’d*; Also, *Colin and Phoebe*, to be sung by Mr. Woodham and Mrs. Taylor, in Pastoral Dresses.”

JAN. 7, 1751.—“By Reason of the Badness of the Weather, ’tis thought proper to postpone *A Bold Stroke for a Wife*, with *The Devil to Pay*, or the *Wives of Metamorphos’d*, for the Benefit of Mr. Murray, ’till To-morrow Evening.”

Same date (Jan. 7).—“By his Excellency’s Permission (For the Benefit of Mr. Kean). On Monday evening next, will be presented *The Beggar’s Opera*, with Entertainments between the Acts, viz.:—At the End of the first Act, a Harlequin Dance; after the Second Act, a Pierot Dance; and at the End of the Play, *The Drunken Peasant*; all by a Gentleman lately from London. To which will be added a Farce called *Miss in Her Teens*; Also an Oratorio will be sung by Mr. Kean; Those Gentlemen and Ladies who please to favor this

"Benefit are desired to send for their Tickets either to the Theatre or to the Printer hereof, as there will be no Money taken at the Door; and the Curtain will rise precisely at 6 o'clock. Boxes 5s. Pitt 4s. Gallery 2s."

JAN. 21.—"This Evening will be presented for the Benefit of Mr. Tremain, a Comedy, called *The Recruiting Officer*; to which will be added, a Farce, called *Miss in Her Teens*."

Same date (January 21)—"Whereas several Reports have been unkindly spread, that Mr. Kean, for his Benefit Night, on Monday last, had caused a greater number of Tickets to be printed than the House would hold, this is to certify, That (according to the best of my knowledge) there were but 161 Pitt Tickets, 10 Boxes, and 121 Gallery Tickets, printed in all; and it is well known that as large a Number have been in the House at one Time.

"THOMAS PARKER.

"N.B.—Tho' it was then determined not to receive any money at the Door, it was afterwards found to be a Measure impracticable to be followed without great Offence; and such whose Business could not permit to come in Time, have since had their Money return'd.

"Whereas it has been reported, that Mrs. Taylor, in playing her Part, in my Benefit, endeavor'd to perform it in a worse Manner than she was capable, and that it was done on account of a falling out between us: This is therefore to certify, that there was no such Difference between her and me; and I believe her being out so much in her Part, was owing to her not getting the Part in Time.

"THOMAS KEAN."

We find that, subsequently, benefits were given to Mrs. Taylor, Miss Osborne, Mr. Woodham, Miss Nancy George, and others. Mr. Kean, it seems, about this time, determined, to change his vocation, as, in the *Weekly Post Boy* of April 22, 1751, the following announcement appears:

"Mr. Kean, by the Advice of several Gentlemen in Town who are his Friends, having resolved to quit the Stage, and follow his Employment of Writing (wherein he hopes for Encouragement;) and Mr. Murray having agreed to give him a night, clear of all expenses, for his Half of the Cloaths, Scenes, &c., belonging to the Play House; it is resolved, that for the benefit of said Kean, by His Excellency's Permission, on Monday, the 29th of this Month, will be performed *King Richard the III.*; The part of Richard to be performed by Mr. Kean; being the last Time of his appearing on the Stage. To the above Tragedy, will be added, a Farce called *The Beau in the Sudds*.

It seems from this that Mr. Murray was the Manager, during the second season; and, probably, Mr. Kean and he were joint Managers of the Company, when they first came to New York. It will be noticed that not only were theatricals regularly given to the New Yorkers in 1750 and 1751, but that our ancestors even had a Kean to personate the crook'd-back Tyrant for their information, and, possibly, for their amusement, Mr. Dunlap to the contrary notwithstanding. The above-mentioned play, however, was subsequently changed, "by advice of friends," as appears by a notice in *The Post Boy*, of the eighteenth, and *The Busy Body* and *Virgin Unmasked* substituted therefor. In the same notice, announcement is made that there would be "singing" by Mr. Woodham, particularly the celebrated Ode called *Britain's Charter*. "Master Dickey Murray" (probably a son of the Manager), Mr. Tremain, Mr. Scott, Mr. Woodham, Mr. Moore and Mr. Marks subsequently took Benefits. Added to the announcement of Mr. Tremain's forthcoming Benefit, on the thirtieth of May, is the following:

"If any Gentleman or Lady, has the farce called *The Intriguing Chambermaid*, and will lend it a while to the Players, it will be thankfully acknowledged."

And in announcing the conjoint benefit of Messrs. Moore and Marks, on the twenty-third of May, it is added, "The company will play but twice more." This determination was afterwards reconsidered; in those days, as well as in these, there was a distinction between "the last" and "positively the last appearance."

The next announcement of a Benefit is on the third of June, when *The Distressed Mother* and *The Walking Statue* are advertised, the beneficiary being Mr. Jago. The closing sentence of this announcement reads curiously: "Mr. Jago humbly begs all Gentlemen and Ladies would be so kind as to favor him with their company, as he never had a Benefit before, and is just come out of Prison"—probably imprisoned for debt.

A Mrs. Davis has a Benefit. Her announcement, in the *Post Boy* of the tenth of June, says she "hopes as the Play (*George Barnwell*) is granted to enable her to buy off her Time, that the Ladies and Gentlemen who are charitably inclined, will favor her Benefit; and their humble Petitioner, as in Duty bound, shall ever pray."

In the same issue in which the above appears, there is also the following:

"On Monday next, will be presented for the Benefit of the Widow Osborne, the *Distress'd Mother*, with several Entertainments, to which will be added *The Beau in the Sudds*. As 'tis the first Time this poor Widow has had a

"Benefit, and having met with divers late Hardships and Misfortunes, 'tis hoped all charitable Benevolent Ladies and others will favor her with their company."

Mr. Smith has a Benefit on the eighth of July, when the advertisement reads: "The last time of acting in this Town." After this, there seems to have been no more performances, during the year 1751, the Company having, probably, gone on a traveling tour. Mr. Tremain, one of the stock, changed his occupation about this time, as appears from an advertisement in the *Post Boy* of August 26, viz:

"John Tremain, having declined the Stage, proposes to follow his business of Cabinet Maker; and at the House of Mr. Norwood, near the Long Bridge, all Gentlemen and others, may be supplied, at the Cheapest Rates, and in the neatest manner, with all sorts of Cabinet Work, &c."

The next season opened on the sixth of January, 1752, when Mr. Upton became Manager of the theatre. In the *Post Boy*, of that date, is the following:

"This evening will be acted, at the Theatre, a Comedy called the *Provoked Husband*, with the Dramatick Satyre called *Letha*."

The Company under Mr. Upton seems to have been made up mostly of other actors than those who performed under Mr. Murray's management. Of the former Company, the name of only one actor appears this season. Mr. Upton did not meet with much success, in his managerial efforts. In the *Post Boy* of the thirteenth of January, 1752, one week after the season was opened, he advertises as follows:

"Mr. Upton (to his great Disappointment,) not meeting with Encouragement enough to support the Company, for the Season, intends to shorten it, by performing 5 or 6 Plays only, for Benefits, and begins with his own on Monday, the 20th instant. His Play is a celebrated Comedy, called *Tunbridge Walks, or the Yeoman of Kent*; his Entertainment, *The Lying Valet*: And as, hitherto, Encouragement has been little, hopes the Gentlemen and Ladies will favour him that Night."

In a subsequent note, regarding his Benefit, above mentioned, is the following:

"As Mr. Upton is an absolute stranger, if in his applications he should have omitted any Gentlemen and Lady's House or Lodging, he humbly hopes they'll impute it to want of Information, not of respect."

Mr. Tremain, it appears, again returned to the stage, during Mr. Upton's management; and he is announced as having a Benefit on Thursday evening, the twenty second of January. *Richard III.* was the play, Mr. Upton appearing in the title rôle.

Two or three other Benefits are subsequently advertised; and, in the *Post Boy* of the seventeenth of February, the following appears:

"On Thursday evening next" [*Feb. 20*] "being absolutely the last Time of playing here, will be presented, for the Benefit of Mrs. Upton, a Tragedy never played here, called *Venice Preserved*, and a Farce called *Miss in Her Teens*, with several entertainments of musick and Dancing between the Acts. The Company assure the Publick, they are perfect, and hope to perform to Satisfaction."

The last advertisement which appears, and which seems to have closed the season, is in the *Post Boy* of the twenty-fourth of February, 1752, and is as follows:

"The Play for this Night as usual; and on Wednesday, February 26, (which will certainly be the last night of attempting to play here, the vessel in which Mr. Upton goes, sailing the latter end of the week,) will be acted *The Fair Penitent* and *The Honest Yorkshireman*; the part of Lavinia to be attempted by Mrs. Tremain; and a *Farewell Epilogue*, adapted to the Occasion, by Mr. Upton."

The above excerpts are highly interesting, as going to show the character of theatricals that first brought the drama to the notice of our ancestors. They give a fair idea also of the accommodations afforded to the theatre-going public, of the "good old colony times." We see that at Mr. Kean's Benefit, two hundred and ninety-two tickets were sold, (boxes, pit, and gallery;) and complaints were made that this enormous sale was unwarranted by the capacity of the theatre. The information is given us, also, that it was customary for the spectators to bring with them their foot-stoves to the "play-house," and that beneficiaries had a custom of sending Circulars, announcing their Benefits, to the residences and "lodgings" of the Anglo-Knickerbockers; and that actors and actresses were much more humble than they are at this day, when soliciting the patronage of the public. But the extracts we have given, are still more important, as proving, beyond all possibility of doubt, that the "Comedians" who appeared before the New York public, from the fifth of March, 1750, to the twenty-fifth of February, 1752, were legitimate Thespians, with probably one or two exceptions, who were picked up in Philadelphia and New York, after the arrival of the Company from England; and that Mr. Dunlap is in error when he says that the Company sent out from London, by Mr. Hallam, in May 1752, was the first that ever performed in America.

We said, in the fore part of this article, that the "probabilities are" that the Comedians who performed in the "new theatre," at Annapolis,

were "those who previously performed in New York;" and not "boys or young men," who enacted plays after their own fashion. Let us see. This New York Company closed its season, in our city, on the twenty-sixth of February, 1752; and there are no records extant certifying to the existence of any other in America, at that time. In the farewell announcement of this Company, it will be remembered, the statement is made that the twenty-sixth would "certainly" be the last night of attempting to play here, the "vessel in which Mr. Upton goes sailing the "latter end of the week." The last day of that week was the twenty-eighth of February; and there was ample time for Mr. Upton, the Manager, to arrive with his Company, by way of a coasting-vessel, at Baltimore, and to proceed thence to the "new theatre," in Annapolis, before the thirteenth of July, the day on which the advertisement in *The Maryland Gazette* announced the performance of *Beaux Stratagem* and *The Virgin Unmasked*, both of which plays had been already performed at the theatre in Nassau-street. Or the "comedians" at Annapolis might have been Mr. Murray's Company, which closed its season in New York, as appears by the above extracts, on the eighth of July, 1751; and went travelling nearly a year before Messrs. Winnel and Herbert, who were really members of Hallam's Company, personated Richard and Richmond, in Annapolis, as described by Mr. Dunlap; the fact being considered that Mr. Hallam's Company opened in Williamsburg, Virginia, (which is not very far from Annapolis), on the fifteenth of September, nearly two months later. The latter supposition is more probably the correct one. Certain it is, however, that when Mr. Hallam's Company arrived in America, they found a theatre built in Annapolis, which would not, in all likelihood, have been the case unless a Company of professional actors were already in the country.

That the New York Comedians were known in Virginia, anterior to the arrival of Mr. Hallam's Company, and, therefore, prior to the alleged first performance in Williamsburg (September, 1752), is beyond question. In Burke's *History of Virginia* (edition of Dickson and Presland, Petersburg, 1805) Vol. III., Chap. ii., Page 140, speaking of the administration of Thomas Lee, President of the Council and Acting Governor of Virginia, in 1750, the author says:

"During this administration, the New York Company of Comedians were permitted to "build a theatre in Williamsburg" [*the very place in which Hallam's Company opened, in September, 1752.*] "and a taste for the elegancies as well as the more erudite parts of literature shone out beneath the patronage and example of the President."

Yet Dunlap says—*History of the American Theatre*, i., 14—"No New York Company "existed in 1750, or any other on the Continent." We have shown, by the extracts above given, from the *Post Boy*, that it did exist in 1750 and down to February, 1752.

But there is still stronger proof of the existence of this old New York Company anterior to the arrival of Hallam's players from London, in 1752—viz., the very published statement of that Company itself. When, in June, 1753, Lewis Hallam, brother to William Hallam, and Manager for him, arrived with his *corps dramatique*, in New York city, after having played, since September of the preceding year, in Virginia and Maryland, he found that the magistrates of the city would not grant him a license to perform. He endeavored, by all sorts of inducements, to alter this determination of the magistracy, but failed to do so until about the middle of September, following. Compelled thus to remain idle, with expenses continually accumulating, he was almost on the point of giving up the enterprise and returning to England when the much-desired permission was finally obtained. Among other measures to which he resorted to get a license was the publication of a Petition by the Company, intended to set forth their necessitous condition. This Petition was printed in the *New York Mercury* (a weekly paper then published by Hugh Gaine,) of the second of July, 1753.

We subjoin the document, as it appeared in that journal:

"The case of the London Company of Comedians, lately arrived from Virginia, humbly submitted to the consideration of the "Publick; whose servants they are, and whose "protection they entreat.

"As our Expedition to New York seems likely "to be attended with a very fatal consequence, "and ourselves haply ensur'd for undertaking it, "without Assurance of Success; we beg leave, "humbly to lay a true state of our Case before "the worthy inhabitants of this City; [and] if "possible, endeavor to remove those great Obstacles which at present lie before us, and give "very sufficient Reasons for our Appearance in "this part of the World, where we all had the "most sanguine Hopes of meeting a very different Reception; little imagining, that in a city, "to all Appearance so polite as this, the Muses "would be banished, the Works of the immortal Shakespear, and others the greatest geniuses England ever produc'd, deny'd Admittance "among them, and the instructive and elegant "Entertainment of the Stage utterly protested "against: When, without Boasting, we may "venture to affirm, That we are capable of sup-

"porting its Dignity with proper Decorum and Regularity.

"In the infancy of this Scheme, it was proposed to Mr. William Hallam, now of London, to collect a Company of Comedians, and send them to New York, and other Colonies in America. Accordingly he assented, and was at a vast expense to procure Scenes, Cloathes, People, &c., &c. And in October, 1750, sent over to this Place, Mr. Robert Upton, in order to obtain Permission to perform, erect a Building, and settle every Thing against our Arrival; for which Service, Mr Hallam advanc'd no inconsiderable Sum. But Mr. Upton, on his Arrival, found here that Sett of Pretenders with whom he joined, and unhappily for us, quite neglected the Business he was sent about from England; for we never heard from him after.

"Being thus deceived by him the Company was at a Stand, till April, 1752, when by the Persuasion of several gentlemen in London, and Virginia Captains, we set sail on Board of Mr. William Lee,* and arrived after a very expensive and tiresome voyage, at York river" [Virginia] "on the 28th of June following: Where we obtained leave of his Excellency the Governor, and performed with universal Applause, and met with the greatest Encouragement, for which we are bound by the strongest Obligations, to acknowledge the many and repeated instances of their Spirit and generosity. We were there eleven Months before we thought of removing; and then asking advice, we were again persuaded to come to New York by several Gentlemen, &c., whose names we can mention, but do not think proper to publish: They told us that we should not fail of a genteel and favorable Reception; that the Inhabitants were generous and polite, naturally fond of Diversions rational, particularly those of the Theatre; Nay, they told us, there was a very fine Play-house Building, and that we were really expected. This was Encouragement sufficient for us, as we thought, and we came firmly assured of success; but how far our Expectations are answered, we shall leave to the Candid to determine, and only beg leave to add, That as we are People of no Estates, it cannot be supposed that we have a Fund sufficient to bear up against such unexpected Repulses. A Journey by Sea and Land Five Hundred Miles

"is not undertaken without Money. Therefore, if the worthy Magistrate would consider this in our favour that it must rather turn out a public Advantage and Pleasure, than a private Injury, They would, we make no doubt, grant Permission, and give us an Opportunity to convince them we were not cast in the same Mould with our Theatrical Predecessors: or that in private Life or Publick occupation, we have the Affinity to them."

It will be observed that, in this appeal, the Company make special reference to "Mr. Robert Upton," the agent sent from London, by William Hallam, to arrange for the proper carrying out of the dramatic performances; and they say, further, that "Mr. Upton, on his arrival, found here that set of pretenders with whom he joined," much to the injury of the petitioners. This was the same Mr. Upton who, as we have above seen, became Manager of the theatre in Nassau-street, in January, 1752, and who, doubtless, did, for a time at least, "join" the old Company, under Kean or Henry, in 1750 or 1751; although no particular mention is made of him in connection with the Nassau-street establishment, until he assumed its management. He probably spent a greater part of the year 1751 in travelling over the country, as it appears from the Hallam Company's statement he had a "considerable sum" of money advanced to him by the Manager of Goodman's Fields. At any rate, he did nothing to forward the object for which he was sent hither; probably because he found the field in New York already occupied by the old Company whom Hallam's people viciously style "that Sett of Pretenders," and again refer to as their "predecessors." What finally became of Upton, investigation does not show; but the testimony of the Hallam troupe, as set forth in their statement, fully sustains our position, and is conclusive against Mr. Dunlap. In conclusion, we may add that this Company, brought hither by Mr. Hallam, erected the first theatre building proper that was ever put up in New York, in Nassau-street, near the present old Post Office, where they performed for about three weeks. It was opened on the seventeenth of September, 1753, Steele's *Conscious Lovers* and the ballad farce of *Damon and Philida* being the opening bill.

The *Weekly Post Boy* of the seventeenth of September alludes to this matter, in a paragraph which we subjoin:

"The Company of Comedians who arrived here the past Summer, having obtained Permission from proper Authority, to act, have built a very fine, large, and commodious new Theatre in the place where the old one" *Rip Van Dam's building* "stood; and having got it in good order, design to begin this evening.

* The reader will have noticed the peculiarity of style which distinguishes this appeal of the players. We have copied it *verbatim et literatim*. The vessel in which the Company sailed from Europe, was the *Charming Sally*, (as appears from Mr. Dunlap's *History of the American Stage*), of which Mr. William Lee was commander. In the quaint style of the olden times, it is narrated that they "set sail on Board of Mr. William Lee."

"As they propose to tarry here but a short Time, we hear they design to perform three Times a week."—*New York Telegram*.

THE JEFFERSON DAVIS BAIL-BOND.—The first writ of *habeas corpus* applied for by the Counsel of Jefferson Davis having been refused by Judge Underwood, Mr. Davis remained in the keeping of the military, at Fortress Monroe, having been in custody since the nineteenth of April, 1865. On the thirteenth of May, 1867, in obedience to another writ of *habeas corpus*, which was granted by Underwood, Mr. Davis was brought into Court, at Richmond. Charles O'Connor appeared in his behalf, and Mr. Evarts represented the United States. Mr. Evarts made no objection to the release of Mr. Davis on bail, provided the security was adequate. The names of the sureties were severally called and they repaired to the Clerk's desk and signed the following paper, whereupon the prisoner was discharged:

"The condition of this recognizance is such that if the said Jefferson Davis shall, in proper person, well and truly appear at the Circuit Court of the United States for the District of Virginia, to be held at Richmond, in the said District, on the 4th Monday of November next, at the opening of the Court on that day, and then and there appear, from day to day, and stand to, abide, and perform whatever shall be then and there ordered and adjudged in respect to him, by said Court, and not depart from the said Court without the leave of the said Court in that behalf first had and obtained, then the said recognizance to become void, otherwise to remain in full force.

"Taken and acknowledged this thirteenth day of May, 1867. JEFFERSON DAVIS.

"Horace Greeley, New York,
 "Gerrit Smith, New York.
 "Augustus Schell, New York.
 "Aristides Welch, Philadelphia.
 "Cornelius Vanderbilt, New York.
 "W. H. McFarland, Richmond.
 "R. Barton Haxall, Richmond.
 "Isaac Davenport, Richmond.
 "Abraham Warwick, Richmond.
 "Gustavus A. Myers, Richmond.
 "William M. Crump, Richmond.
 "James Lyons, Richmond.
 "John A. Meredith, Richmond.
 "William H. Lyons, Richmond.
 "John Minor Botta, Virginia.
 "Thomas W. Dowell, Virginia.
 "James Thomas, Jr., Richmond.
 "Horace F. Clark, New York.
 "Benjamin Wood, New York."

THE HIEROGLYPHICS FOUND AT DAMARISCOVE ISLAND, MAINE.—On page 106, *Ancient Dominions of Maine*, the author, in speaking of Damariscove, says: "A smooth rock appears whereon the washing of the sea has laid numerous inscriptions, in writing, apparently cut by human art. in characters from one to four inches long, one-eighth of an inch deep, and covering a surface of ten feet."

As the correctness of this statement has been questioned by some—and as the author made the statement from my representation of the fact to him, at the time of writing his book—it seems necessary that the fact itself should be established beyond a doubt.

I have recently visited that locality—and the characters I then saw cut in the rocks, remain, as I saw them, for the first time, in the Autumn of 1836. Several parties from this and other towns have seen the same inscriptions, since that time; with my own hands, laying aside my coat, I assisted in laying bare, with spade and brush broom, one tablet of granite, of compact texture—fourteen feet long by two and one-half wide—covered with those mysterious chiselings—some cut with gouge-like instruments, and others with sharp-pointed tools. Two of these surfaces were thus brought to view—the second, six feet long by three feet wide—that had been hidden from mortal eyes, for many centuries.

The figures themselves are of various sizes and lengths, ranging from three feet five inches long and one foot wide, down to one and one-half inches in length, manifestly executed by men skilled in that line of work. Numerous characters are to be seen upon other and apparently detached rocks, all indicating one and the same purpose, and written by the same skilled workmen, at that period of time. In appearance and shape, they are unlike anything I ever saw and cannot well be described. I have, however, made arrangements so that these inscriptions can be carefully transcribed upon cloth, for the use of those who are interested in such matters.

It is not my purpose to decide the questions Who wrote them? or At what time they were engraved there? I leave these things for others to answer. But beyond a question, as to time, they antedate the Christian era—and go many centuries beyond it. It may be of Icelandic or Scandinavian origin; or, what is more probable, the record of a people inhabiting the Levant.—*Oracle*.

PROFESSOR MORSE.—We happened to meet Colonel Strother, the famous "Porte Crayon," and, the talk turning, as usual, on Morse, the Colonel said:

"I knew him well. I took lessons under him

"in drawing and painting. I first saw him when he was a competitor for the remaining panel in the rotunda of the Capitol. I thought then he ought to have had it. I think so yet. He was not a grand artist; but he was enough to save us from ridicule. The job was given to Mr. Powell. General Schenck did that. The General probably did not know one picture from another; but Mr. Powell was his constituent; and he believed, as did Schenck, that something in the way of art should be done for the Miami bottoms; so he worked at it till he got the commission.

"And one day," said we, "Congress will give General Schenck permission to remove that terrible product of the Miami bottoms. But about Morse.

"Well, I engaged to become his pupil and, subsequently, went to New York, and found him in a room in University-place. He had three other pupils; and I soon found that our Professor had very little patronage. I paid my fifty dollars: that settled for one quarter's instruction. Morse was a faithful teacher, and took as much interest in our progress, more, indeed, than we did ourselves. But he was very poor. I remember that when my second quarter's pay was due him, it did not come as soon as expected; and, one day, the Professor came in and said, courteously:

"Well, Strother, my boy, how are we off for money?"

"Why, Professor," I answered, "I am sorry to say I have been disappointed; but I expect a remittance next week."

"Next week!" he repeated, sadly, "I shall be dead by that time."

"Dead, Sir?"

"Yes, dead by starvation."

"I was distressed and astonished. I said, hurriedly, 'Would ten dollars be of any service to you?'"

"Ten dollars would save my life; that's all it would do."

"I paid the money, all that I had, and we dined together. It was a modest meal, but good; and after he had finished, he said:

"This is my first meal for twenty-four hours."

"Strother, don't be an artist. It means beggary. Your life depends upon people who know nothing of your art, and care nothing for you. A house-dog lives better; and the very sensitiveness that stimulates him to work keeps him alive to suffering."

"I remained with Professor Morse three years, and then we separated. Some years afterward, I met him on Broadway, one day. He was about the same as before, a trifle older and somewhat ruddier. I asked him how he was getting on with his painting; and he told me

"that he had abandoned it; that he had something better, he believed; and told about his proposed telegraph. I accompanied him to his room, and there found several miles of wire twisted about, and around the battery, which he explained to me. His pictures, finished and unfinished, were lying about, covered with dust. Shortly after, Congress made an appropriation; and Morse was on the high road to wealth and immortality."—*Doyles-town Democrat*.

WHY WASHINGTON IRVING NEVER MARRIED.

Much mystery has attached to the celibacy of Washington Irving. While, upon every other point of peculiarity of the great writer's character and career, his familiar friends have taken pains to inform the wide circle of his admirers, an aggravating reticence has always met the questionings of those who were curious, as to why matrimony made no part of his experience. There were occasional and very vague references made to a *lang syne* love—so dimly distant in the past as to have the air of iradition—and the manner of mentioning, which made Irving appear the model of constancy, if not the hero of a romance. But the circumstance of his bachelorhood remained a simple, patent, unexplained fact, the theme of many wonderings, the warp and the woof of much imagining—nay more, the substructure of a thousand sweet sympathies outgushing from other hearts whose loves had not been lost but gone before. It is doubtful if a secret of the sort—all things considered—was ever before so carefully and completely kept. For once, the impertinent were held at bay, the prying were balked, and the sympathetic, even, discouraged. The time for its disclosure had not come; and surely, when his intimates and relatives were debarred from the remotest reference to the subject, in the hallowed home-circle of the literary bachelor, it was but proper that the truth should burst forth upon the world, if at all, in Irving's own selected time and in his own pathetic language.

It was while engaged in writing his *History of New York*, that Irving, then a young man of twenty-six, was called to mourn the somewhat sudden death of Matilda Hoffman, whom he had hoped to call his wife. This young lady was the second daughter of Josiah Ogden Hoffman, and the sister of those two talented men, Charles Feno Hoffman, the poet, and Ogden Hoffman, the eloquent jurist. In her father's office, Washington Irving had essayed to study law, and with every prospect, if industrious and studious, of a partnership with Mr. Hoffman as well as a matrimonial alliance with Matilda. These high hopes were disappointed by the de-

cease of the young lady, on the twenty-seventh of April, 1809, in the eighteenth year of her age.

There is a pathos about Irving's recital of the circumstances of her death, and of his own feelings, that it is truly painful and tear-impelling. He says: "She was taken ill with a cold. "Nothing was thought of it, at first; but she "grew rapidly worse, and fell into a consumption. I cannot tell you what I suffered *** "I saw her fade rapidly away—beautiful and "more beautiful, and more angelic, to the very "last. I was often by her bedside; and, in her "wandering state of mind, she would talk to me "with a sweet, natural, and affecting eloquence "that was overpowering. I saw more of the "beauty of her mind in that delirious state than "I had ever known before. Her malady was "rapid in its career; and hurried her off in two "months. Her dying struggles were painful "and protracted. For three days and nights, I "did not leave the house, and scarcely slept. I "was by her, when she died; all the family were "assembled around her, some praying, others "weeping, for she was adored by them all. I "was the last one she looked upon. *** I cannot tell you what a horrid state of mind I was "in, for a long time. I seemed to care for nothing: the world was a blank to me. I abandoned all thoughts of the law. I went into "the country, but could not bear solitude, yet "could not enjoy society. There was a dismal "horror continually in my mind, that made me "fear to be alone. I had often to get up in the "night and seek the bedroom of my brother, "as if the having a human being by me would "would relieve me from the frightful gloom of "my own thoughts. Months elapsed before my "mind would resume any tone; but the despondency I had suffered for a long time, in "the course of this attachment, and the anguish "that attended its catastrophe, seemed to give "turn to my whole character, and threw some "clouds into my disposition, which has ever "since hung about it. * * * I seemed to drift "about, without aim or object, at the mercy of "every breeze: my heart wanted anchorage. I "was naturally susceptible, and tried to form "other attachments; but my heart would not "hold on: it would continually recur to what it "had lost: and whenever there was a pause in "the hurry of novelty and excitement, I would "sink into dismal dejection. For years, I could "not talk on the subject of this hopeless regret—"I could not even mention her name—but her "image was continually before me; and I dreamt "of her, incessantly."

Such was the language in which Irving poured forth his sorrows and sad memories, in a letter written, many years ago, to a lady, who wondered at his celibacy and expressed the wish to know

why he never married. Can words more graphically describe the shipwreck of hope, or more tenderly depict the chivalric devotion of a faithful lover? How sweetly, too, does Irving portray, with his artist pen, the lineaments of his loved one! He says, in the same letter: "The "more I saw of her, the more I had reason to "admire her. Her mind seemed to unfold itself, "leaf by leaf; and every time to discover new "sweetness. Nobody knew her so well as I, "for she was so timid and silent; but I, in a "manner, studied her excellence. Never did I "meet with more intuitive rectitude of mind, "more native delicacy, more exquisite propriety, "in word, thought, and action, than in this "young creature. I am not exaggerating: what "I say was acknowledged by all who knew her. "Her brilliant little sister used to say that people began by admiring her, but ended by "loving Matilda. For my part, I idolized her. "I felt, at times, rebuked by her superior delicacy and purity; and as if I were a coarse, unworthy being in comparison."

Irving seldom or never mentioned this sad event; nor was the name of Matilda ever spoken in his presence. Thirty years after her death, Irving was visiting Mr. Hoffman, and a granddaughter, in drawing out some sheets of music to be performed on the piano, accidentally brought with them a piece of embroidery which dropped upon the floor. "Washington," said Mr. Hoffman, "this is a piece of poor Matilda's work-manship." His biographer describes the effect as electric. "He had been conversing in the "sprightliest mood, before," says Pierre M. Irving, "and he sunk, at once, into utter silence, "and in a few moments got up and left the "house." Do any of the pages that record the "Loves of the Poets" glisten with a purer, brighter halo, than is thrown around the name, and character, and memory of Matilda Hoffman, by the life-long constancy and the graceful tributes of one whose name, destined to deathless renown, may not, henceforth, be dis severed from that of the early lost and dearly loved, whose death made Washington Irving what he was and what the world admires?—*Albany Argus*.

BIRTHPLACE AND EARLY RESIDENCE OF JOSEPH SMITH, JR.

TO THE EDITOR OF THE TRANSCRIPT: The different authors who have given biographical notices of the above noted individual disagree in relation to the place of his nativity. Coolidge and Mansfield, in their *History of New England*, says that Joe Smith, the founder of Mormonism, was born and spent his youthful days in Sharon. Mr. Tucker, in his *History of*

the Rise and Progress of Mormonism, says, that "Joseph Smith, Jr., was born in Sharon, Windsor county, Vermont, Dec. 18, 1805. He was the son of Joseph Smith, Sr., who removed from Royalton, Vermont, to Palmyra, N. Y., in the Summer of 1816." Mr. Drake says that Joseph Smith, Jr., was born in Sharon. Other notices say that Joe was born in Royalton.

I am a native of Royalton, Vermont, and resided in that town for a long period. A short time since, I had an interview with John L. Bowman, who was formerly a Constable and Collector of Taxes, in Royalton. I inquired in relation to the farm and house of Joseph Smith, Sr.; and he answered that it was his opinion that the house-lot and the buildings of Mr. Smith were in Royalton, near the Sharon line, and the farm partly in Sharon. Not feeling quite satisfied, I wrote to the Hon. Daniel Woodard, formerly a Judge of the Windsor-county Court, and received the following information:

"I have recently been upon the ground where Joe Smith first saw the light. The house was upon the top of the high ridge of land between Royalton and Sharon; and the buildings were located in Royalton. It is a beautiful place, in Summer, and is secluded from disturbance by the outside world. Joe's mother was the daughter of Solomon Mack, an infirm man, who used to ride about the country, on horse-back, using a woman's saddle, or what was termed a 'side-saddle.' Joseph Smith, Sr., was, at times, engaged in hunting for Captain Kidd's buried treasure; and he also became implicated with one, Jack Downing, in counterfeiting money, but turned State's evidence and escaped the penalty. The Smith family moved from the old farm, farther into Royalton, about one-half or three-fourths of a mile from my father's, and was living there while our house was building; and Joe came to the raising. I think it was in 1812; and Joe was then about eight years of age."

Joseph Smith, Sr., once more made a removal, in Royalton, to the Metcalf neighborhood; resided there a few years; and then, with all his family, including the prophets, departed for New York. I well recollect Mr. Mack, of whom Judge Woodard speaks; and his business on horseback was selling an autobiography of himself. I think it is now settled that Joe Smith was born in Royalton, and resided there until the family all removed out of the State.

VERMONT, IN CAMBRIDGE.

—*Boston Transcript*.

THE TEA PARTY IN BOSTON HARBOR—LETTER FROM JOHN ADAMS.

A resident of Boston has given to the *Advertiser*, of that city, the following copy of a let-

ter, now in his possession, written by John Adams to General James Warren, of Plymouth, on the seventeenth of December, 1773:

"BOSTON, Dec. 17, 1773.

"DR. SIR

"The Dye is cast! The People have passed the River and cutt away the Bridge! last Night Three Cargoes of Tea were emptied into the Harbour. This is the grandest Event which has ever yet happened since the controversy with Britain opened! The Sublimity of it, charms me!

"For my own part I cannot express my own Sentiments of it, better than in the Words of Cull. Doane to me last Evening—Bulch should repeat them—The worst that can happen, I think, says he in Consequence of it, will be that the Province may pay for it.—Now, I think the Province, may pay for it, if it is burned as easily as it is drank—and I think it is a matter of indifference whether it is drank or drowned. The Province must pay for it in either Case.—But there is this difference—I believe it will take them ten years to get the Province to pay it—if so, we shall save ten Years Interest of the Money—whereas if it is drank it must be paid for immediately, thus—He—However, He agreed with me that the Province, would never pay for it.—and also in this that the final Ruin, of our Constitution of Government and of all American Liberties, would be the certain Consequence of Suffering it to be landed.

"Governor Hutchinson and his Family and Friends will never have done with their good services to Great Britain & the Colonies! But for him, this tea might have been saved to the East India Company. Whereas this Loss if the rest of the Colonies should follow our example, will in the opinion of many Persons bankrupt the Company.

"However, I dare say, that the Governors and Consignees and Custom House officers, in the other Colonies will have more Wisdom than ours have had & take effectual care that their Teas shall be sent back to England untouched—if not it will as surely be destroyed there as it has been here.

"Threats, Phantoms, Bugbears, by the million, will be invented and propagated among the People upon this Occasion—Individuals will be threatened with Suits and Prosecutions, Armies and Navies will be talked of, military Executions—Charter annul'd—Treason—Tryals in England and all that—But—these terrors are all but Imaginations—Yet if they should become Realities they had better be suffered, than the great Principle, of Parliamentary Taxation given up—

"The Town of Boston was never more still

"and calm of a Saturday night than it was last Night. All things were conducted with great order, Decency and *perfect submission to Government*.—No Doubt, We all thought the Administration in better Hands than it had been.

"Please to make Mrs. Adams most respectful

"Compliments to Mrs. Warren, and mine.

"I am your Friend,

"JOHN ADAMS."

WHO INVENTED THE TELEGRAPH.

MR. EDITOR: I have lately made the acquaintance of a resident of this place, Mr. Chauncy Dibble, now sixty-eight years of age; and from conversation with him, have learned some curious facts, of the truth of which I have not the least doubt, concerning the origin of the idea of telegraphy, and which add some more to the list of men, originators of ideas, thinkers of theories, inventors of improvements, who, through circumstances or that lack of ability to profit by their own labor which characterize so many inventors, live and die in obscurity, while some one else, differently endowed, develops the same idea, or dishonestly taking it, already developed, reaps its benefits and gets the fame. I know an old man now living—if still alive—in Somerset-county, Maine, who has given to the world some of the most useful inventions in Mechanics. For instance, the Kendall water-wheel, the Turbine water-wheel, the trip-hammer, the circular-saw, the idea of steel bells, and also the Colt's revolver—the patterns of which were fraudulently obtained and patented in Colt's name. He is now old, and, if not already dead, will die comparatively obscure, unless some of his family have interest or talent enough to make his services known. I speak of William Kendall, of Kendall's Mills.

In about the year 1820, when Mr. Dibble was sixteen or seventeen years old and living near Saratoga, New York, Thomas Davenport of Vermont, came to Saratoga, to exhibit a contrivance which he called an "Electric Magnetic Motive Power." Mr. Dibble being known as a young man of marked mechanical genius and something of an inventor himself, was invited to witness the experiments, which were conducted in the cabinet-shop of Ransom Cook; and there were present, beside Mr. Cook and Mr. Dibble, Professor Mitchell of New York City, and Martin Van Buren, then living in Kinderhook, New York. Those, with the exception of a workman or two, were all the persons present. The exhibitor had a large number of things, and the experiments were various: lifting weights, driving wheels, etc. Among others, he had a battery, with wires connected; these wires ran back and forth, on one of the long benches; and, at the opposite

end, was an upright cylinder of soft iron, around which the wire was wound as is now done in the telegraph magnet, and containing inside a steel-rod, a trifle smaller, or so small as to allow free play, up and down. Now, on making a connection with the battery, the cylinder becoming suddenly magnetized, the rod would be raised upward, and be suspended, free from contact; and on breaking the connection, it of course dropped down again. While they had been busy, Mr. Dibble had made an estimate of its actual motive power, in raising a weight a given height, etc. After Mr. Davenport had finished his experiments, he turned to Professor Mitchell, and enquired what he thought of it—and Mr. Dibble well recollects this reply, partly because coming from so eminent a scientific man, and partly because his enquiring mechanical mind caught the glimpse of a new idea. He (Professor Mitchell) said: "Mr. Davenport, you have here the *power of powers*—the power that upholds and governs the universe—and I think you will succeed." Mr. Davenport's idea thus far had been to develop a practical *motive power*. After the Professor and Mr. Van Buren had gone, Mr. Davenport turned to Mr. Dibble and asked what he thought of it? He replied: "Well, Mr. Davenport, you have got a very pretty plaything; but you don't think, do you, that you can make it of any practical account, as a *motive power*?" Mr. Davenport then asked: "Don't you think it will pay to exhibit it in New York City?" stating that he had been to a good deal of expense and wanted his money back, some way. He replied: "I think it will; but, Mr. Davenport, I find in looking over your 'traps,' something that seems to me to be of real worth."

"Now, what is that?"

"How long are your wires?"

"Three or four hundred feet," replied Davenport.

"Well, how long do you think you could extend them and produce the same effect—that is, have that rod rise, instantly?"

"I don't know," replied Davenport, "as distance would make any difference. You see," said he, making the rod rise and fall, by making and breaking the connection, "there is no perceivable difference between my touch, *here*, and the rising of the rod, *there*; and I think that it has no limit."

"Well there," said Mr. Dibble, "why can't you communicate with persons at a distance, by means of *signs*? For instance, they are running horses at the Demming-street Course, to-day: now, supposing you had a wire from there, here, (some six or seven miles) and there were three horses running; and you numbered them 1, 2, and 3; and horse No. 1 came in

"ahead; and you wanted a friend to know it; well, *one* rise of the rod would be No. 1, *two*, No. 2, etc. I don't know as this is of any practical account; but it seems to me, it might be used to communicate ideas some way."

Mr. Davenport went to New York City, to exhibit this "Motive Power," still unconscious of the great idea he had almost developed; and Mr. Dibble thought much of the remark of Professor Mitchel, that "that was the power of powers;" and, by his own original thinking, began to frame a theory to account for the phenomena of gravitation, the motion of comets, etc., by this same "power of powers." Now, what was that but the principle of the telegraph? And what was the suggestion of Mr. Dibble but the telegraph in operation—the battery, the circuit, the wires, the recorder, and the beginning of the alphabet?

Mr. Dibble, a few years ago, got out a patent on a stove-machine, by which he made quite a little sum of money. He says that Ransom Cook is probably still living; and will remember those circumstances. When Morse put before the world the invention of telegraphy, he used the same principle and appliances used by Davenport, in 1820; and followed, to the letter, the suggestion of Mr. Dibble at the same time.

I believe these to be facts; and that, in that shop, by the boy Dibble, was conceived the idea of the present wonder—telegraphy.

L. M. MOOERS.

FARMINGTON, VAN BUREN CO., IOWA.

—*Maine Farmer.*

BOMKIN OR WARD'S-ISLAND.—There are few if any of our readers who are not well acquainted with the beautiful island lying near the entrance of Hingham harbor, between Hingham and Hull, and known by the names of Bomkin, Bumkin, or Ward's island. The question has often arisen, and, strange as it may seem, has not been satisfactorily answered,—in what town is this island situated?

Mr. Lincoln, in his history, describes it as within the limits of Hingham. The authority for this statement may be found in Snow's *History of Boston*, published in 1825, which contains a list of islands in Boston bay and adjoining waters, "made in 1793, by that distinguished antiquary, Mr. Thomas Pemberton, with great care." In that list, Bomkin-island is located in Hingham. Yet it is well known that it is situated on the Hull side of the main channel running from Hingham harbor into the bay; and, hence, may be said, geographically, to be within the limits of Hull.

At the close of the list of Mr. Chamberlain's islands in Hull, in the records of that town, it is

stated that "there is a certain island which the said William Chamberlain bought of Thomas Jones of the same town of Hull, and which island was given by the said town unto the said Thomas Jones, and is bounded in this wise —with a hill called the Old Planters' Hill on the East, and Crow Point on the West, Round Island on the North, and an island, called Sa-rae's Island on the South." The island bought by Chamberlain of Thomas Jones can be no other than that formerly known as Ibrook's-island, and in later times as Chandler's and Langley's-island. Round-island we infer, must have been the same as Bomkin-island. Now the General Court, in 1686-7, granted Round-island and Grape-island to the town of Weymouth. The question here arises whether this Grant conveyed the right of jurisdiction as well as the right of property. We must leave the further investigation of this point to the antiquaries of Weymouth.

Since the year 1682, the island has been the property of Harvard College, and hence has not been liable to taxation: it has never been inhabited; and therefore there is no evidence that either Hull, Hingham, or Weymouth has ever exercised civil jurisdiction over it. Before 1682, it was the property of Samuel Ward, who had a Grant of a house-lot in Hingham, in 1686, also Grants of house-lots and other lands in Hull, at an early date; and he has also been called of Weymouth. He died at Charlestown, August 30, 1682, at the age of 89. His Will is dated March 6, 1681-2. From that Will we make the following extract, with the orthography corrected:

"Item—I give the Island lying betwixt Hingham and Hull called Bomkin Island unto the College and my mind is that it be called by the name of Ward's Island."

On the back of the Will is the following amplification of the intentions of the devisor:

"The Island that I have given to the College, which lyeth betwixt Hingham and Hull, called Bomkin Island, my mind is that it shall be and remain forever to Harvard College in New England; the rent of it to be for the easement of the charges of the Diet of the Students that are in Commons."

The Island contains about thirty acres of valuable land. President Quincy, in his *History of Harvard University*, dates the devise of the Island to the College in 1680; which is erroneous. He calls it "Bumpkin, now Ward's, Island" and describes it as situated between the towns of Hingham and Hull. It appears to have been known by the name of Round-island; and Mr. Ward called it Bomkin-island—a name perhaps of Indian derivation, the original of which has been lost. It will be noticed that Mr. Ward requested the rent to be applied for the ease-

ment of the charges of the diet of the students that are in Commons.

In the commendable and successful effort which has been made at Cambridge, to restore "Commons," we trust that the request of Mr. Ward, in relation to the application of the rent, will not be overlooked. For many of the facts made use of, in this account of Ward's-island, we are indebted to John G. Loring, Esq., of Boston, who takes great interest in exploring the antiquities of Hull, which was the home of his ancestors.—*Hingham Journal*.

IX.—BOOKS.

RECENT PUBLICATIONS.

Publishers and others sending Books or Pamphlets for the Editor of THE HISTORICAL MAGAZINE, are respectfully requested to forward the same, either direct to "HENRY B. DAWSON, MORRISANIA, N. Y.," or to MESSRS. CHARLES SCHENKER & Co., Booksellers, 654 Broadway, New York City, as shall be most convenient to them.]

A.—OFFICIAL PUBLICATIONS.

1.—Circular No 2. War Department, Surgeon General's Office, Washington, January 2, 1869. *A Report on Excisions of the Head of the Femur for Gunshot Injury.* Washington: 1869. Quarto, pp. 143.

The Surgeon-general of the Army is issuing from his office, occasionally, quarto volumes of rare interest to medical men and all who care anything for the details of the literature of actual war; and, we know not why, he calls them "Circulars." The volume before us is "No. 2" of the series, although it is not the second in the order of publication; and we have pleasure in adding it to our series of material for history as well as in calling the attention of our readers to its importance as a contribution to the literature of surgery.

The importance of the subject of excisions at the hip-joint, for gun-shot injury, is well-known; and into this volume have been collected accounts of all such operations, performed during the recent War, of which it has been possible to obtain reliable descriptions, including a comparison of the results of these operations with those of amputating at the hip or of abstaining from operative interference, and a review of the excisions at the hip in the military surgery of other countries. The opportunities afforded for varied observation, during the recent War, were so numerous that their results must have great weight in the determination of one of the most important questions of modern surgery, military or civil; and our professional readers, for this reason, will thank us for calling our attention to this important work relative thereto.

B.—TRADE PUBLICATIONS.

2.—*Pioneer Life in Kentucky.* A series of Reminiscential Letters from Daniel Drake, M.D., of Cincinnati, to his children. Edited, with Notes and a Biographical Sketch, by his Son, Charles D. Drake. Cincinnati: Robert Clarke & Co. 1910. Octavo, pp. xlv., 244.

There are few, among the earlier of our historical writers, who better deserves to be remembered than Doctor Drake, the annalist of Cincinnati. A native of New Jersey—where he was born on the twentieth of October, 1785—he was early removed to the then wilds of Kentucky, where he spent five years of his life, among the pioneers of "the dark and bloody ground." In the Winter of 1800, he removed to Cincinnati, for the purpose of studying medicine; in 1810, he published his *Notices concerning Cincinnati*; in 1815, it was followed by his *Picture of Cincinnati*; in 1819, he assisted in the establishment of the Medical College of Ohio; was in the Faculties of Transylvania University, at Lexington, Jefferson Medical College, at Philadelphia, and the University of Louisville; and died in November, 1852.

In the elegant volume before us, we have a series of letters, addressed to his children, in which Doctor Drake narrated his recollections of the pioneer-life of the West—not the life of a fighting pioneer, but pioneer-life, in its moments of peace and as it ordinarily appeared, in its every-day dress.

There is no attempt at fine writing, in this delightful autobiography; but, in such terms as an affectionate father would be very likely to relate to his loving children the incidents of his early career, the author has told of the rural life, in Kentucky, at the close of the last century. He tells of men and incidents with which he was personally acquainted: he describes the labors and privations of those who thus assailed the loneliness of the forest and opened its quiet to the gaze of the world: he draws pictures of domestic life, among the early settlers in the West, which are as charming as they are novel in their character. In short, a more interesting volume of reminiscences, nor one of western life, has never fallen into our hands; and the excellent publishers of *The Ohio Valley Series* has very properly formed a place for it in their invaluable collection.

As a specimen of book-making, this series is as honorable to the mechanical skill of the western workmen as to the liberality of the western tradesmen who publish it.

3.—*History of the Public School Society of the City of New York.* By William Oland Bourne, A.M. New York: Wm. Wood & Co. 1870. Octavo, pp. xxxii.,

This volume may be considered, we suppose, the official history of this distinguished Society—that which educated the children resident in

New York city, from 1800 until 1853, at which time the State undertook the duty of a gigantic educator and seized the private property of this private corporate body, in order to enable it to discharge its newly-assumed and very questionable role as a school-master.

We remember and revere the modest, self-sacrificing men of nearly forty years ago, who conducted the affairs of that Society, at that time; and we very distinctly remember the visitation, in June, 1834, by the fatherly Samuel W. Seton, its official visitor, to a lonely house, in the outskirts of the city, for the purpose of indicating to the strangers resident in that house—then only three days from the emigrant-ship—how welcome their little ones would be in the Society's school, No. 12, a mile distant—one of those children, whose uncouth appearance, on the following morning, did not exclude him from a high grade in the school, nor, a few months afterwards, from its highest honors, gratefully recognizes, in these lines, his gratitude to that Society, for its voluntary instruction of him, in very much which, in his manhood, has rendered him, to some extent, useful to his country and his fellow men, and as sorrowfully recognizes, in the violent dissolution of that venerable Society, an early instance, but not the least important, of that flagrant disregard of the fundamental law, which, since that time, has transformed the State and the Confederacy into despotisms, and trailed in the dust the time-honored principles on which both have professed to rest.

We do not think very much of this work, as a history; but we suppose that it is reliable, in its statements, and, therefore, as far as it goes, useful to those who shall desire to ascertain something concerning the origin, rise, progress, and destruction of this excellent voluntary association, organized for the purpose of educating those children who were not then provided for, by churches and private schools, in the City of New York. It is, therefore, an important local, worthy of an extended circulation in New York and its vicinity.

The typography is very neat; and the portraits, etched by our neighbor, Mr. Henry B. Hall, are fair specimens of that class of his handiwork.

4.—*An Account of Anneke Janse, and her family, also The Will of Anneke Janse in Dutch and English.* Albany: Joel Munsell. 1870. 16mo., pp. 81.

A sketch of the celebrated Dutch housewife, Anneke Janse, whose descendants are making so much noise in the world, as claimants of the property of Trinity-church, in New York City, together with accurate copies of her Will; of

the Deed given by her children to Governor Lovelace, when they sold her farm to the English Government; and of a similar Deed when the same children sold her dwelling, in Albany, to Dirck Wesselse Ten Broeck.

It is a very interesting little tract, from our friend Munsell's ready and accurate pen; and, if widely circulated, would be very useful.

5.—*French's Mathematical Series. Mental Arithmetic;* combining a complete system of rapid computations, with correct logic of the solutions of problems, and the analysis of processes. By John H. French, LL.D. New York: Harper & Bros. 1870. 16mo., pp. 160. Price 60 cents.

One of a series of School Arithmetics, from the prolific and experienced press of the Harpers.

We very well remember the Mental Arithmetics of our schools, thirty-six years ago, although we did not use them; and we very well remember some of their defects, in their then modern structure, and the wide room there was for improvement.

In the neat volume before us, we find the more compact and more precise statements of processes which experience has shown to be more effective than the long stories of the days of our boyhood; and the lessons are more practical in their character and better adapted to the every-day business of the day, than the lessons of former times. Besides, they are made more attractive by a judicious system of illustration, in many cases, by excellent woodcuts and by a handsome dress. Altogether, the volume is attractive and well-adapted for the purposes for which it is intended.

6.—*The Minnesota Guide. A Hand Book of Information for the Travelers, Pleasure Seekers, and Immigrants, concerning all Routes of Travel to and in the State; Sketches of the towns and cities on the same; etc., etc., etc.* Second Year of Publication. Saint Paul: E. H. Burritt & Co. 1869. 16mo., pp. 24.

This is not a history, nor is it a general description of the State. It is simply a "Guide" for travelers, from which they may learn what, on the principal lines of travel, are best worth their attention while passing through the country.

It is an annual; a well-printed affair; and reflects credit on its worthy editor, our friend, J. Fletcher Williams. Esq. of St. Paul.

7.—*The Life, Passion, Death, and Resurrection of our Lord Jesus Christ* Being an abridged harmony of the four Gospels in the words of the Sacred text. Edited by Rev. Henry Formby. New York: Catholic Publication Society. 1870. 16mo., pp. viii., 184.

A very neat little volume, elaborately illustrated and well calculated for the purpose for which it was evidently intended.

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Vol. VIII. SECOND SERIES.]

DECEMBER, 1870.

[No. 6.

I.—THE NORTH-EASTERN BOUNDARY
OF NEW JERSEY.—CONTINUED FROM
PAGE 282, AND CONCLUDED.

VII.—A BRIEF EXAMINATION OF MR. WHITE-
HEAD'S REJOINDER.

By HENRY B. DAWSON.

The readers of *The Gazette* will bear testimony that the subject of the eastern boundary of East-Jersey has been discussed with the utmost freedom, in its columns; and the greater number of them, having read the arguments of the learned Attorney-general of New York and of Hon. J. Romeyn Brodhead, her distinguished historiographer, as well as the more extended examination of the subject by "H. B. D." and William A. Whitehead, Esq., will, probably, be prepared to decide the question at issue without further instruction.

The subject, however, is an important one, both as a question of history and a question of State right. It has been before the world during nearly two centuries; and it has commanded the attention and the pens of the ablest scholars and the anxious consideration of the most distinguished statesmen, both in Europe and America. Humble farmers on the borders of Orange-county and equally humble fishermen on the Hudson, Common Councils, Sheriffs, and Judges, gubernatorial representatives of Lords Proprietors and of Kings—even the King himself, in the midst of his Privy Council—have been actively and anxiously engaged, at various times, in the same discussion as that in which *The Gazette* is now employed; and it is a notable fact, that, in the renewal of the time-honored dispute, through these columns, the weekly issue of the village newspaper which contains the arguments of the several disputants, are anxiously looked for, on more than one side of Hudson's-river, by many of the most enlightened scholars and distinguished and influential statesmen and jurists which our country possesses.

It is no common question, therefore; and it is not to be disposed of as are the minor questions of the day, which arise and disappear like the

mists of the morning; nor is it one which can be properly met and disposed of, with nothing more than ridicule, sarcasm, and stale wit—its age and importance, at least, to say nothing of the respect which is due to those who are witnessing the struggle, should protect it from so grave and uncalled-for an impropriety.

It is a question of *legal right to property*, a QUESTION OF TITLE TO PREMISES; and the issue depends less on the rhetoric than on the evidence which shall be adduced. It is not the most eloquent nor the most facetious advocate, it is not the greatest wit nor he who can most successfully mystify his subject and misrepresent his opponent, who will render the most effective service in such a discussion, before such an audience; and that cause is either very weak or very unfortunate, whose advocate fails to distinguish a witty repartee at the expense of the truth, from a reliable authority with which to illustrate and sustain it.

The columns of *The Gazette* have conveyed to its readers, during the past four weeks, a *Rejoinder* from the pen of him who is the learned Corresponding Secretary of THE NEW JERSEY HISTORICAL SOCIETY, to the *Review of the Questions under Discussion* by "H. B. D.," which preceded it; and those who have read that *Rejoinder* need not be told how little there is in it, beyond its misrepresentations, which requires any notice whatever, unless from those of whose cause the author has assumed to be the advocate and champion.

Those whose pretensions were thus indecorously urged by Mr. Whitehead, will know what disposition to make of his feeble, if not pointless, *Rejoinder*: from those whom he has insulted, by his unblushing misrepresentations, a sense of what is due to a subject of such great importance will prompt, merely, a few words in defence of the truth of that history of which Mr. Whitehead professes to be a devoted admirer, of that history which he has not hesitated to prostitute, for the accomplishment of his unhallowed purposes. The object of this paper is to answer, *very briefly and very plainly*, that demand.

The misrepresentations, by Mr. Whitehead, to which reference has been made, relate alike to

actions and to things; and each of these great classes is fairly divisible into several minor divisions. Thus, he misrepresents his own action and that of the New Jersey Historical Society as recklessly as he misrepresents those of the Duke of York and Sir George Carteret; and the action of the twenty-four proprietors of East Jersey and that of New York, of Montanus and Ogilby, of General Cochrane and "H. B. D.," alternately falls under the weight of his defamatory sentences. He recklessly misrepresents a feudal Lease as a conveyance in fee simple: and he slurs over a subsequent Release of the same premises, by the same Lord Proprietor of the estate, on the lapse of the tenement, as if it, also, was an original conveyance, *in fee simple*, without regarding, as worthy of his notice, the previous conveyances of the same premises, over and over again, in similar terms, by the same Lord Proprietor, to other parties. Ancient maps and public records are mutilated and then employed as evidence, although the former, *in their perfect form*, are deprecated as worthless; and the testimony of those who were contemporary with the execution of the original Lease on which the whole subject rests, as well as that afforded by the subsequent acts of the original parties to that Lease, is wholly disregarded and unnoticed. In short, Mr. Whitehead's *Rejoinder* is little better than a series of inventions, ingeniously fitted to the peculiar formation of a Jerseyman's ambition; and, as the *conformiteur*, in the hands of the latter, regardless alike of grace and ugliness, indicates the organs which are most prominent on the head of his customer, so this *Rejoinder*, from the pen of Mr. Whitehead, indicates to every intelligent reader how little integrity, either of purpose or in the employment of means to accomplish it, may be looked for among those who are the advocates of the lawless pretensions of New Jersey to the waters and lands in question.

Before noticing the great body of Mr. Whitehead's misrepresentations, however, it seems proper to protest against his unjust and unfaithful statement of the original proposition, by General Cochrane, on which this entire discussion has been based. The original was in these words, and only in these: "THE WATERS BETWEEN 'STATEN ISLAND AND NEW JERSEY, THE KILL 'VAN COL., THE SOUND, AND RARITAN BAY, OR 'BY WHATEVER OTHER BAPTISMAL NAMES THEY 'OR THEIR PARTS MAY HAVE BEEN, OR ARE NOW, 'DESIGNATED, TOGETHER WITH ALL THE WATERS 'WHICH LAKE STATEN ISLAND SHORES, WERE, 'FROM THE PERIOD OF THEIR DISCOVERY, KNOWN 'AND ACCEPTED, AND SHOULD NOW BE PROPERLY 'CONSIDERED, THE WATERS OF HUDSON'S-RIVER.'" Mr. Whitehead has thus stated them, in the opening sentences of his *Rejoinder*: "This discussion originated in a positive announce-

"ment by Attorney-general Cochrane that 'the 'waters of the Hudson, in their seaward current, debouch through both the Narrows and 'the Kills': that 'the Hudson River empties 'itself through its two mouths, the Narrows 'and the Kills, into the Bay of New York:' and 'that all the waters which lave Staten 'Island shores, were, from the period of their 'discovery, known and accepted, and should 'properly now be considered, the waters of 'Hudson's river.'"

It will be evident to the most casual reader, that important interpolations and omissions have been made by Mr. Whitehead, in this statement of the "positive announcement by Attorney-general Cochrane," in which "this discussion originated," and in which, HE SAYS, "The Member of the New York Historical 'Society' has come to the support of Mr. 'Cochrane,'" and that reader must be as much of a Jerseyman as Mr. Whitehead himself, who will not acknowledge that those additions to and omissions from the terms of General Cochrane's proposition are an unwarrantable and uncalled-for mutilation of the record of this discussion.

GENERAL COCHRANE MADE NO SUCH "POSITIVE ANNOUNCEMENT" AS MR. WHITEHEAD HAS PRESENTED IN HIS *Rejoinder*; AND "H. B. D." "SUPPORTED" NO SUCH PROPOSITION—indeed, the latter, much to Mr. Whitehead's subsequent amusement, expressly denied the truth of the theory embraced in what is thus improperly stated as the first and second parts of the General's "positive announcement;" and it is not very clear, therefore, how he could have "supported" any one in maintaining that the Hudson empties through two mouths, while, at the same time, he united with Mr. Whitehead in the statement that, *in fact*, that river had no more than one.

Such a misrepresentation of the question proposed by General Cochrane and of the action thereon of "H. B. D." affords a sorry introduction to a plea for trumped-up "rights of New 'New Jersey," on any subject; although it is in evidence, that New Jersey's advocates, in the matter now under discussion, have not failed, in former days, to resort to this shelter, when other means which they had employed had failed to accomplish their purposes.

Thus openly branded as a falsification of the record in this case, this portion of Mr. Whitehead's *Rejoinder* is exposed to the contempt to which it is justly entitled.

Concerning the misrepresentations, by Mr. Whitehead, in the body of his *Rejoinder*, to which reference has been made, a few words are considered necessary.

I. THAT RELATING TO HIS OWN Map of the settled portions of East-Jersey, about the year

1682, AND TO HIS STATEMENT OF THE ACT OF MARCH, 1682-3, "TO DIVIDE THE PROVINCE INTO "FOUR COUNTIES."

It will be remembered that the Assembly of East-Jersey, in March, 1682-3, passed an *Act for dividing the Province into four Counties*; that, in its designation of the boundaries of Bergen-county, in the first paragraph of that Act, the Assembly recognized the waters of the Kill van Col, *from one extremity to the other*, as "*Hudson's River*;" and that Mr. Whitehead, in his *East Jersey under the Proprietary Government*, carefully suppressed so much of the Act as would have communicated that very unpleasant fact to his less intelligent readers.

In his *Review of the Questions under Discussion*, "H. B. D." called the attention of the public to this improper suppression of the truth, in what professed to be a purely historical volume; and a *Map of the settled portions of East Jersey, about the year 1682*, DRAWN BY MR. WHITEHEAD, FOR THE ILLUSTRATION OF THAT VOLUME, was appealed to, in connection with the Act in question, to prove the truth of the charge.

An accusation of so grave a character, so clearly stated and so fully sustained by competent testimony, was received by the distinguished historiographer of East Jersey with evident uneasiness; he even considered that an allusion to the subject was an evidence of the "bad taste" of his accuser; and that his character, as a historical writer, should not have been subjected, under the circumstances, to so unexpected an indignity. With commendable spirit, therefore, he resented the insult, as best he could; and as the charge rested only on the evidence, so far afforded by his own Map, that "*about the year 1682*," Constable's Hook was WHERE BERGEN POINT NOW IS—at the entrance to the Achter Col or Newark Bay—he boldly attempted to frown down the charge, by denying the correctness of that Map, on that subject; by casting upon the unlucky engraver, who had followed too closely the drawing of "W. A. W.," its author, the blame of inserting the words "Constable's Hook," on the unlucky spot where "H. B. D." had found them, instead of placing them at the opposite or eastern extremity of the Kill van Coll, where that Hook now is; and by quite as boldly challenging his accuser to produce a single Map on which Constable's Hook is not shown to have been where it now is—on the Harbor of New York, at the eastern entrance to the Kill van Col. With a flourish of words, meaning nothing, Mr. Whitehead then dismissed the subject; and evidently threw himself back, in his easy chair, perfectly satisfied that the charge had been disproved by his own, unsupported word.

It is not the particular purpose of this paper to defend Mr. Whitehead's *Map of the settled portions of East Jersey, about the year 1682*, against the graceless attack of its distinguished author. It does not appear proper, however, that such a deliberate attempt as this is, to mutilate the testimony afforded by the ancient records of East-Jersey, in order to sustain a trumped-up claim to the waters in question, should be allowed to pass unexposed; and the reputation of those who have been thus guilty of tampering with the evidence, in order to promote such a claim, must necessarily abide the legitimate consequences of such an exposure.

By reference to page 189 of a volume written by George Scot, and published in Edinburgh, in 1685, entitled *The Model of the Government of the Province of East-Jersey in America*, the reader will find these words: "To goe back to the South part of *Berghen neck* that is opposite to *Staten Island*, where is but a narrow passage of water, which ebbs and flows between the said Island and *Berghen Point*, CALLED Constables Hook."

To confirm this statement, made by Mr. Scot, and to show the reader how reckless Mr. Whitehead has been, while engaged in his work of mutilation and misrepresentation, reference is made, also, to page 160 of *The History of the Colony of Nova Casaria, or New Jersey, to the year 1721*, by Samuel Smith—a volume which was printed "at Burlington, in New Jersey," in 1765, and is known to every student of American history, as most authoritative on the subjects on which it treats. The reader will find there, under the date of 1682, these words: "*There was a considerable settlement on Bergen Point, THEN CALLED CONSTABLE HOOK, and first improved by Edsall, in Nicolls's time*;" and in Gordon's very useful *Gazetteer of the State of New Jersey*, Edit. Trenton, 1831, page 101, the statement is repeated.

The reader will thus perceive that Constable's Hook, IN AND "ABOUT THE YEAR 1682," was not on the Harbor of New York, as Mr. Whitehead pretends, in his *Rejoinder*, but at the entrance to the Achter Col, or Newark Bay; that, the *Map of the settled portions of East Jersey, about the year 1682*, by W. A. W., WAS AND IS, THEREFORE, PERFECTLY CORRECT IN THUS DESCRIBING IT; that, in March, 1682-3, when the Assembly of East-Jersey passed the *Act for dividing the Province into four Counties*, its recognition of the waters which separated Staten Island from the main, seaward, as far as what was THEN known as *Constable's Hook*, as "*Hudsons-river*," it virtually conceded all that New York has ever demanded; and that Mr. Whitehead's grave denial of these well-sustained facts and his impeach-

ment of his own Map are not sustained, either by contemporary Maps or contemporary statements.

As Mr. Whitehead has reproduced Mr. Scot's little volume in the Appendix of his *East Jersey under the Proprietary Governments*, he cannot have been ignorant of the exact locality of Constable's Hook, as it was in 1685: the *Map of the settled portions of East Jersey, about the year 1682, DRAWN BY HIMSELF AND INSERTED IN THE SAME VOLUME*, indicates his full knowledge of its exact position, *three years earlier*: no further evidence is required, therefore, to prove his knowledge of its exact position, when the Assembly passed the Act of March 1, 1682-3, to which reference has been so often made.

Thus driven from pillar to post, in his luckless efforts to misrepresent the truth, confronted by the most ancient and most authoritative historians of his own State, in each of his vain attempts to mutilate her records for illegal and unholy purposes, the distinguished author of the *Rejoinder*, New Jersey's favored champion, stands convicted of the two-fold authorial misdemeanor of willfully suppressing the truth, in a purely historical volume, and of a subsequent attempt to conceal his former mis-deed, then first brought to light, by making averments which he knew to have been unwarranted by the facts and by a reckless impeachment of testimony, *given by himself*, which he knew was perfectly and entirely true.

With these evidences of his *suppressio veri* and his *suggestio falsi* before them, who shall say that this last advocate of New Jersey's pretensions is not the best? Who shall say that of all her champions, from 1681-2 until to-day, Mr. Whitehead has not most successfully proved his entire fitness for a task in which there is so little that is honorable, so little that is entitled to the respect of any honest man?

II. THAT RELATING TO THE MUTILATION, BY THE NEW JERSEY HISTORICAL SOCIETY, OF ADRIEN VAN DER DONCK'S MAP, IN ORDER TO CONCEAL THE MOUTH OF HUDSON'S RIVER, AS DESCRIBED THEREON.

It will be remembered that "H. B. D.," in his *Review of the Questions under Discussion*, invited the attention of his readers to a mutilation, by the New Jersey Historical Society, of Adrien van der Donck's *Map of New Netherland*, by suppressing from the copy of a section of it, which that learned body had inserted in the first volume of its *Collections*, the evidence that that reliable Dutch topographer considered the mouth of the Hudson's river to have been at Sandy-hook.

In his *Rejoinder*, it will be remembered, also,

Mr. Whitehead assumed an air of indignant contempt for what he was pleased to call "an unwarrantable accusation" of the Society—he even attempted to frown down, as entirely groundless, the charge against that learned body, of mutilating the map "for sinister purposes"—but, notwithstanding all this, he saw fit, also, to offer excuses for the suppression, in the Society's pretended copy of the van der Donck Map, of the crushing evidence which the original contains, of his own and the Society's reckless disregard of all the rights of historic truth.

The author of the *Review* was not insensible of the probable author of the fraud referred to, when he alluded to it, in that paper—indeed, since the author of the volume which it illustrates was also a member of the Committee under whose supervision that volume was printed, there could have been little doubt on the subject—but he followed the good old rule that the principal is accountable for the acts of his servants, particularly after those acts have been approved and confirmed; and he accordingly disregarded Mr. Whitehead and the Society's "Committee on Publication," and fastened the wrong-doing on the Society itself, for whom the former acted, and by whom their acts were subsequently approved and ratified. If a wrong has been done, THE SOCIETY is the wrong-doer, before the world; and the Society must seek redress, if it desires it, from those of its servants by whom its confidence has been betrayed and by whom it has been led into its present unenviable position. With these, acting under the Society's authority and carrying away with them the Society's approval, the world has nothing to do.

It is amusing, however, to those who know who was the working man of the Society's "Committee on Publication," when this Map was mutilated and inserted in the volume which contains, also, the mutilated description of Bergen-county, as defined in the Act of March, 1682-3, to witness Mr. Whitehead's effrontery, in this part of the discussion. Just as if HE was not the man who had mutilated the Map and covered his associates with shame, he steps forward as the Society's defender; and he talks as glibly of "unwarrantable accusations" and frowns with as much an air of virtuous contempt for the accuser, as if HE was not the real author of all the mischief, the real mutilator of the Map as well as the Act, the unscrupulous champion of New Jersey, in her "unwarrantable" attempt to wrest from New York the control of her waters.

But Mr. Whitehead says the Map referred to was "only one-third of the original," as if ALL that belongs to that "one-third" should not have

been copied; or, as if the fact that it was only "one-third of the original" afforded a warrant for mutilating it, "for sinister purposes."

He says, also, that the Map in question was designed to be "brought within the limits of "an octavo page, four inches by seven;" as if there was a law, limiting the size of Maps, confining them to the "limits of an octavo page," and prohibiting the use of *folding sheets*, when the subjects are too large for an "octavo page, "four inches by seven."

He says, also, "there was no room for them," [*the names of the Hudson-river, off Sandy-hook*], "if the character of the Map, as a *fac-simile* (AS FAR AS IT WENT) were preserved;" as if the scale on which the Map was drawn could not have been reduced, or, what is frequently done in such cases, the ample margin which surrounds the Map could not have been encroached upon, by the insertion of a portion of the omitted names, outside of the limits of the specified "four inches by seven."

The truth is, the Map in question was a well-planned attempt, on the part of the Society's Committee and the Society itself, to impose upon the public, as *van der Donck's*, WHAT WAS NOT VAN DER DONCK'S; and in that way they sought to conceal the evidence which *van der Donck* had afforded, in his Map, that the mouth of the Hudson's-river was THEN [1656] considered to be at *Sandy-hook*.

The character of *van der Donck*, a man of learning and a resident of New Netherland, was such that the testimony, on this subject, which his Map afforded, was of the greatest importance; but, like some other testimony on the same subject, which Mr. Whitehead has more recently encountered, it was found to be "exceedingly objectionable to Jerseymen." Like the "objectionable" part of the description of Bergen-county, in the *Act for dividing the Province into four Counties*, passed in 1682-3, therefore, IT WAS PROMPTLY SUPPRESSED, in the volume issued by the Society; and, as in the case of the *Act* referred to, the readers of that volume, through the manipulations of the New Jersey Historical Society and its servants, have remained wholly ignorant of what *van der Donck* said, on one of the most important questions in which New Jersey has ever been interested.

The readers of *The Gazette* can ascertain from these facts, whether or not the charge made by "H. B. D." against the Society, was an "unwarrantable accusation;" and they can judge, therefrom, also, how modest a man Mr. Whitehead is, in thus boldly attempting to frown down, as indecent, the evidence of his and the Society's attempt to palm on the public,

as genuine, A MUTILATED COPY of *van der Donck's Map of 1656*.

III. THE MISREPRESENTATIONS OF MR. OGILBY AND OF THE PART WHICH HIS MAP AND DESCRIPTION OF THE PREMISES HAD TO DO WITH THE GRANTS BY THE KING AND DUKE OF YORK.

It will be remembered that "H. B. D." referred to the fact, that, during more than twenty-five years before and the same period after, the Grant of New Netherland to the Duke of York, by the King, his brother, the term "Hudson's River" was generally applied to all the waters which surrounded Staten Island, as well as to those which are now known to us as "the Lower Bay;" that the mouth of "Hudson's River" was thus considered to be at *Sandy-hook*; and that the testimony of the most intelligent men, Dutch and English, civilians and office-holders, in Europe as well as in America, was adduced to support the novel, but unanswerable, proposition.

It will be remembered, also, that among these evidences of what, in 1674, was considered as "Hudson's river," the testimony of John Ogilby, the King's Cosmographer and Geographic Printer, was introduced; and it was reasonably inferred that both the King and the Duke, as well as the Grantees of the latter, were principally guided by his Map and by the statement made in his volume, in their belief that the Hudson had "two wide Mouths," the most Southern of which was called Port May, or Godyn's Bay; that "in the middle thereof was an Island called 'The States Island,'" and that its waters flowed into "the main Sea," only at *Sandy-hook*.

To the great mass of testimony with which "H. B. D." strengthened his argument, as well as to the argument itself and its conclusions, Mr. Whitehead offered no reply—he had no reply to make, SINCE HE FOUND NO ONE ON WHOM TESTIMONY HE COULD HANG A SINGLE ADVERSE PLEA. Mr. Ogilby, however, was unwittingly singled out by him, as the particular object of his denunciatory wit; and that gentleman's volume, printed in 1671, was held up to the ridicule of those who knew less of its importance in this discussion, than Mr. Whitehead did. At the same time, the argument of "H. B. D.," that the official position of the King's Cosmographer, which Mr. Ogilby then occupied, and his consequent influence in forming the opinions of both the King and the Duke, on what was "the main Sea" and what "Hudson's River," added greatly to the importance of the work and the statements which it contains, was openly ridiculed; and it was flippantly asserted, among other reckless averments, that "there is not a particle of evi-

"dence that they" [*Montanus and Ogilby*] "had *ever heard* of either passage," which are known to us as "the Narrows" and "the Kills."

The readers of *The Gazette* need not be troubled with any defence, from our pen, of Mr. Ogilby or of his Map or narrative; nor is it necessary to defend the argument of "H. B. D.," that Mr. Ogilby's Map was probably that on which the King and the Duke had principally relied, when the Letters Patents were issued by the former, in June, and the Lease and Release, by the latter, in July, 1674.

Appeal need only be taken, in this, from Cæsar, drunk, to Cæsar, sober; and the reader is referred to a paper, entitled, *Northern Boundary Line: The circumstances leading to the establishment, in 1769, of the Northern Boundary Line between New York and New Jersey*, by WILLIAM A. WHITEHEAD, which is printed in the *Proceedings of the New Jersey Historical Society*, viii, 157-186.

On page 161, the reader will find the following, from Mr. Whitehead's pen:

"At the date of the Duke of York's Grant to Berkeley and Carteret, there were but few maps professing to give the position of places or the physical geography of the interior; and they all seemed to be more or less copies of one by Nicholas Joannis Vischero, which is thought to have been published in 1654. One, by Vanderdonck, published in 1656, which is unquestionably copied after Vischero's, may be seen in *The New York Historical Society's Collections*, Vol. 1st, New Series, and also, AS FAR AS IT REFERS TO NEW JERSEY, in the first volume of our own *Collections*;* and one or both doubtless formed the basis of the Map to be found in the works of Montanus and Ogilby, published in 1671; and, AS OGILBY IS STYLED '*Cosmographer and Geographical Printer to his Majestty*,' THE MAP THAT HE SELECTED TO ILLUSTRATE THIS PART OF THE CONTINENT, MAY REASONABLY BE CONSIDERED THE ONE MOST LIKELY TO BE CONSULTED BY THOSE CONCERNED IN THE GRANT OF NEW JERSEY."

For the present, Mr. Whitehead is left with himself. He need not be subjected to any severer punishment than the shame which attends his conviction on his own testimony.

IV. THAT RELATIVE TO THE PORT OF PERTH-AMBOY.

It will be remembered that "H. B. D." asserted and showed, in his *Review*, that the efforts of the Proprietors of East-Jersey to secure a port at Perth-Amboy which would be independent of New York, were unsuccessful; and that East-Jersey, in that respect, remained subordinate to New York, during the whole period of the Proprietary administration.

Mr. Whitehead, in his *Rejoinder*, devoted some two or three columns to show that *the opposite was the truth*: that, in his own words, "IN EVERY CASE in which the right of East-Jersey to a seaport was endeavored to be wrenched from her, THAT RIGHT WAS ESTABLISHED."

To "wrench" anything "from" another, pre-supposes the possession of the thing taken, by the person from whom it is "wrenched"—a state of affairs, concerning a seaport in East-Jersey, which is as void of truth as some others of Mr. Whitehead's statements; but, it is a sufficient reply to this averment, to say that, as lately as April 14, 1689, the Proprietors thus instructed their Governor, Jeremiah Basse:

"IV. You are to use your endeavour to oblige the General Assembly to raise a GRATEFUL SUM OF MONEY, to be remitted to London, towards some ease of the great Charge these Proprietors have paid, and the great trouble and expence of Time, which they have been at in struggling many Years for the Freedom of the Port of Perth Amboy for Navigation and Trade, WHICH IS NOW OBTAINED AT LAST, Free from the Encroachments and Pretensions of any Neighboring Colony, the Benefits and Advantages whereof will chiefly redound to the Inhabitants of the said Province."—*From the Orders and Instructions to Jeremiah Basse, Esquire, Governor, etc.*, London, 14th April, 1698.—*Leaming and Spicer*, 220, 221.

As this curious "Order" was issued nearly eighteen years after Sir William Jones is said to have accomplished the wonders which Mr. Whitehead has announced, nearly eleven years after the wonderful quietus was administered to Governor Dongan, and some months after James had abdicated the throne, it is not very evident where Mr. Whitehead found a fact on which to hang his inventions, so often and so boldly advanced, that James was *always* anxious to secure to East-Jersey this coveted privilege; that "IN EVERY CASE in which the right of East-Jersey to a sea-port" was denied, from the days of Andross, in 1680, until the close of the Proprietary Government, in 1702, "THAT RIGHT WAS ESTABLISHED."

But the subject did not end here. Although the Proprietors appear to have supposed, or pretended to have supposed, in April, 1698, that "the Freedom of the port of Perth-Amboy, for Navigation and Trade, is NOW OBTAINED AT

* How mute Mr. Whitehead was, concerning the mutilation of van der Donck's Map, in *The New Jersey Historical Society's Collections*; and how willing to place it, in its mutilated form, beside the unmutilated copy in *The New York Historical Society's* volume. Who shall say that New Jersey is not favored with an appropriate historiographer?—H. B. D.

"LAST," after years of toil and at an enormous cost, it is quite apparent that the Government of Great Britain did not so understand it—an important fact, which the Proprietors of East-Jersey soon after discovered.

Accordingly, in July, 1699, in their *Memorial to the Lords of Trade*, "the Proprietors of the Province of East New Jersey, in America," prayed "that upon the Annexation of the Government of the said Province to that of New York, the Port of Perth Amboy may be established for entering Ships and Importing Goods there, and Exporting Goods from thence, *without being obliged to enter their Ships at any other Place*"—a petition which they certainly need not have presented if, as Mr. Whitehead pretends, Perth-Amboy already possessed that much-coveted franchise.—*Memorial*, in *Leaming and Spicer*, 589.

In their reply, the Lords of Trade considered it "very improper for his Majesty to oblige him—self to a Compliance with this article"—*Opinion and Answer of the Lords of Trade—Leaming and Spicer*, 594—a sufficient indication, one would suppose, of the purpose of the Government on the subject.

On the fifteenth of January, 1699-1700, the Proprietors forwarded a special Memorial on this subject, with an offer, as a compromise, "to pay the same Customs as are paid at New York," if the Government would only relieve them from the obligation they were under "to Enter their Ships at any other Place;"—*Memorial*, etc., January 15, 1699-1700—*Leaming and Spicer*, 597, 598,—another evidence that Perth Amboy enjoyed no such franchise, even in 1700, as that which Mr. Whitehead has invented—but *that Petition, also, was rejected by the Crown*; and the matter was subsequently continued in "The humble Memorial of the Proprietors of the Provinces of East and West-Jersey in America," dated the twelfth of August, 1701—*Leaming and Spicer*, 599—wherein those gentlemen expressed "their readiness and desire to surrender all Right of Government, in humble hope and confidence that "[his Majesty's] "Justice and Goodness would Incline him "to grant the Proprietors all reasonable Privileges"—a submission which was no more successful than those which had preceded it.

Having thus abandoned their application for a Port at Perth-Amboy, and thrown themselves on the "Justice and Goodness" of the Government, the Proprietors and inhabitants of the Colony—those whose rights on this subject had been "established" for more than twenty years, if Mr. Whitehead speaks truly—soon learned that they possessed no rights, whatever, on the subject; and that their hopes and their desires, were alike disregarded; that the Government and its

representatives cared as little for "Jerseymen" or their particular interests, as the "Jerseymen" of to-day care for the interests or the convenience of any other persons or communities. This is evident in the fact that, neither in the *Surrender from the Proprietors of their pretended Right of Government*,—*Leaming and Spicer*, 609-616,—nor in *The Queen's Acceptance of the Surrender*,—*Ibid*, 617, 618—nor in her *Instructions to Lord Cornbury*, as the first Royal Governor,—*Leaming and Spicer*, 619, 646—was the solicited privilege granted, or even mentioned.

These recognitions, by the Proprietors themselves, even AFTER the celebrated trial of Basses. The Earl of Bellomont, effectually disprove Mr. Whitehead's labored argument to show that, from 1680 until the close of the Proprietary Government, the right of East Jersey to a port, independent of New York, "was established;" and if Mr. Whitehead will take the trouble to refer to a volume entitled *Contributions to the early History of Perth Amboy and adjoining Country*, BY WILLIAM A. WHITEHEAD, pages 294-297, he will find a pretty full admission, BY HIMSELF, of the greater number of the unpleasant truths to which reference has been made—indeed, he expressly states, (page 297,) that, "in August, 1701" [only eight months before the Proprietors surrendered "their pretended "Right of Government" of the Colony,] "they reiterated their demand," [for the freedom of the port of Perth-Amboy.] "and success attended their efforts, BUT NOT TO THE FULL EXTENT OF THEIR WISHES."

In view of the continued "demand" by the Proprietors for the privilege of a port, as lately as August, 1701, and of the partial success, only, which attended it, the reader will determine how much of the Proprietors' "right" had been "established" "IN EVERY case in which that right "was endeavored to be wrenched from East-Jersey," from 1680 until 1702; and how candidly and how truly Mr. Whitehead has presented the subject, in his discussion of it, in *The Gazette*.

The columns of *The Gazette* might be occupied with other extended exposures of Mr. Whitehead's treatment of the subject, in his *Rejoinder*; but a simple reference to some others of these improprieties will serve the purpose of this paper.

I. It is said by Mr. Whitehead, in his *Rejoinder*, that "H.B.D." "expended an immense "amount of labor," [in his *Review*] "in proving "that Staten Island has always been in the possession and under the jurisdiction of New York;" as if an attempt to prove a *Proprietary Right* to a specified property is equivalent to an attempt to prove a *continued possession* of it.

The *Review* of "H. B. D." was certainly devoted, to some extent, to the discussion of the subject of the *ownership* of Staten Island and of the waters which surround it; and some persons have been found who consider that that ownership was clearly shown, therein, to have been vested, where it still is, in New York. The "immense amount of labor" expended in proving the *possession* of Staten Island, however, is nowhere visible in that *Review*, except in two merely incidental allusions—*Mr. Maverick's letter to Mr. Bond—Gazette*, November 18, Col. 2—and *Governor Dongan's letter to the Earl of Perth—Gazette*, December 2, Col. 1—unless reference is made to "H. B. D.'s" reply to that part of Mr. Whitehead's *Rejoinder*, which was based on the Grant of land on Staten Island, to Captain Palmer.—*Gazette*, December 2, Cols. 1, 2—*which reply occupies less than a column of The Gazette*.

Mr. Whitehead's disposition to treat the subject with unfairness, is nowhere more apparent than in this instance; and his substitution of "possession" for "ownership," or its equivalent, betrays the bad spirit in which he has conducted his side of the discussion.

II It is also said by Mr. Whitehead, in his *Rejoinder*, that "it is a circumstance worthy of note that not a document is known to exist, signed by the Duke of York, himself, which calls in question the right of the Proprietors of East-Jersey to the Island," [Staten Island:—*Gazette*, January 6, Col. 2—as if the burden of proof of ownership therein rested on the Duke, who indisputably held the King's Letters Patents as well as the Indian Deed therefor and the possession of the Island, instead of on the claimants, who possessed neither Deed, nor possession, nor a decent pretense to ownership of a single acre of it.

It is a strange idea that the Duke ought to have formally "called in question, over his own signature, the right" [?] "of the Proprietors of East Jersey to the island," in order to maintain his own right thereto; and it is not less surprising that the non-existence of any such "document" as this, can be considered, for a moment, even by Mr. Whitehead, as "worthy of note," or as affording any evidence, whatever, of the invalidity of the pretensions set up by "the Proprietors" or by their successors in effrontery, to the ownership of Staten Island, or of any portion of it.

III. It is also stated by Mr. Whitehead, in his *Rejoinder*, that the Duke "was ever ready to confirm his original Grant of all the lands West of Long Island and Manhattan Island;"—*Gazette*, January 6, Column 2;—as if the Duke had ever made such a Grant. The language of the Duke's conveyance was, "all that Tract of

"Land adjacent to New England, and lying and being to the Westward of Long Island and Manhtas Island, and bounded on the East part by the main Sea and Part by Hudson's River," etc.—*Grant to Sir George Carteret—Leaming and Spicer*, 47,—a very different description of the premises conveyed, as any lawyer's clerk, if not any good-sized school-boy, could have told Mr. Whitehead, had he asked for information.

IV. Mr. Whitehead's *Rejoinder* teems with its author's remarks on the assumed right of Sir George Carteret to "govern" the inhabitants of East Jersey, and of the subsequent right to do the same, which the Twenty-four Proprietors assumed to possess, as the Grantees of Sir George's Executors.

That gentleman should know, because it was determined by those who possessed the authority to decide such questions, that if the Duke had attempted to convey his right of Government, it would have been invalid, because it would have been illegal; * and he should know, if he does not, that both the Duke and the King were subject, at all times, to the Established Law of the Land.

The illegality of the claim to Govern the inhabitants of East Jersey was fully recognized by the Proprietors of the Province, when they surrendered to the Queen what they, themselves, styled their "Pretences to the said Powers of Government;"† and in view of that admission, it does not become Mr. Whitehead, who knows much less on the subject than they did, to contradict them.

* "Her Majesty hath been advised, that they" [the Proprietors] "have no Right nor can legally execute any of the said Powers," [of Government] "but that it belongeth to her Majesty in Right of her Crown of England to constitute Governors of the said Provinces, and to give Directions for Governing of the Inhabitants thereof, as her Majesty shall think fit."—*Surrender of their pretended Right, by the Proprietors*, April 15, 1703—*Leaming and Spicer*, 618.

† "AND WHEREAS the Estate, Interest, Right and Title of the said James Duke of York, in and to the Provinces of East Jersey and West Jersey, Part of the Premises by the said recited Letters granted, are by mean Conveyances and Assurances in the Law, come unto and vested in or claimed amongst others by Sir Thomas Lane, Paul Dominique," [and others] "the present Proprietors thereof, and, they have also claimed, by virtue of the said Letters Patents and mean Conveyances, to exercise within the said Provinces for the governing the Inhabitants thereof all the Powers and Authorities for Government granted by the said Letters Patents to the said Duke and his Heirs and Assigns; but her Majesty hath been advised that they have no Right nor can legally execute any of the said Powers, but that it belongeth to her Majesty in Right of her Crown of England to constitute Governors of the said Provinces, and to give Directions for Governing of the Inhabitants thereof, as her Majesty shall see fit. And the said Proprietors being desirous to submit themselves to her Majesty, and willing to surrender all their Pretences to the said Powers of Government, to the Intent her Majesty may be pleased to constitute a Governor or Governors of the same Provin-

V. He bases his pretensions to the waters in question and to Staten Island on the Duke's Release to the Twenty-four Proprietors—"it is not necessary to go further back than the date of the Deed to the Twenty-four Proprietors, in 1682. This was granted in accordance with the request of the Earl of Perth, for the express purpose, as stated in the instrument itself, of better extinguishing all such claims and demands as his said Royal Highness or his Heirs might anywise have to East Jersey;"—*Gazette*, January 6, Column 8—as if, *four years before*, the Trustees of the Carteret Estate had not "conveyed his 'Plantation, in New Jersey 'to Thomas Creamer and Thomas Pocock;" concerning the Deed for which Mr. Whitehead has said, "*it is evident that it was considered as vesting in them the full title to the premises.*"—*Gazette*, January 6, Column 4.

Viewing the general subject from Mr. Whitehead's stand-point, and estimating the character and value of "Deeds" by his standard, it is not very clear how the Duke's "Deed" for property, "the full title" to which had been already "vested" in Pocock and Creamer, four years before, was worth much; and it is not much more apparent, when viewed from the same stand-point, how much more value there was in franchises, granted in that "Deed," which had been conveyed by the same Duke, in September, 1680, *nearly two years before*, to the younger Sir George Carteret.

VI. In his opening, in *The Gazette* of December 28d, Mr. Whitehead attempted to discredit, *by insendo*, "H. B. D'a." dismissal from the case, as irrelevant, of the Letters Patents to the Duke, of the twelfth of March, 1664, and of the Duke's Grant to Berkeley and Carteret, as joint tenants, of the twenty-fourth of June, 1664; yet, in the same paper, he admitted, concerning those instruments, "in reality, their existence or non-existence has little to do with the merits of the case;" and in *The Gazette* of the sixth of January, he said, concerning the Deed of Sir George Carteret's property in the Colony to the twenty-four Proprietors, dated the second of February, 1682-3, "as has been already demonstrated, it is not necessary to go further back than the date of the Deed to the Twenty-four Proprietors, in 1682."

VII. He amused himself, and attempted to amuse his readers, with forced witticisms on the distinction made by "H. B. D." between "physical" and "historical" facts, and their,

sometimes, varied testimony;—*Gazette*, December 28, Col. 1, and January 9, Col. 2,—as if a change of the local nomenclature, from any cause, necessarily carried with it a change of ownership of property, thereabouts, and necessarily disturbed all the relations existing between landlords and tenants, in the newly-named neighborhood.

It is a "historical" fact that the southwestern point of Bergen-neck was, once on a time, called "Constable's Hook" and it is a "physical fact" that, to-day, "Constable's Hook" is at its south-eastern extremity. Which of the two does Mr. Whitehead suppose would control a dispute concerning the title of property "on Constable's Hook," in 1688—the "historical" or the "physical?" Even in the making of Maps, Mr. Whitehead has clearly preferred the "historical"; and it was only when that gentleman became the voluntary advocate of a bad cause, that he closed his eyes to the truth and gave the preference to "the physical."

VIII. In his opening, in *The Gazette* of December 28d, he said: "Every true historical enquirer should hesitate to attribute to an opponent an intention to suppress any fact or document essential to the full consideration of any subject; and the course of the *Gazette's* correspondent in that respect will not, therefore, be followed," to which he added a copy of Sir William Jones's letter of the twenty-eighth of July, 1680.

If this means anything, it means that the author of the *Review* has "suppressed" either Sir William Jones's letter or some other "essential fact or document." As no reference was made to any other supposed case than Sir William's letter, it is a reasonable inference that no other "essential fact or document" than that, was thus considered as "suppressed;" and on that subject, by a reference to *The Gazette* of the sixteenth of December, it will be seen that this letter was not only referred to, in the *Review*, but it was shown to contain an opinion which fully accorded with the argument of "H. B. D." and as fully overturned the theory of an absolute conveyance, in fee simple, of the property—as we understand the term—which Mr. Whitehead so strangely and pertinaciously urged.

It is proper to remark, also, in this connection, that the "opinion" of Sir William Jones, about which Mr. Whitehead talked so glibly and so wildly, related altogether to the value of the evidence which had been produced to him, concerning the right to collect an additional Five per cent., AND NOT TO THE QUESTION OF JURISDICTION OR RIGHT OF GOVERNMENT IN EAST-JERSEY, AS PRETENDED.

He simply said "I am not satisfied (by any-

"ces, with such Powers, Privileges, and Authorities for the Government thereof, and making such Laws there with the consent of the Assembly of the said Provinces, and her Majesty's subsequent approbation thereof, as her Majesty in her great Wisdom shall think fit and convenient," etc.—*Articles of Surrender*, April 15, 1709—*Learning and Spicer*, 612, 613.

"thing that I have yet heard) that y^e Duke "can legally demand that" [*the Five per cent claimed from the inhabitants of New Jersey*] "or "any other duty from y^e inhabitants of those "lands;"—*N. Y. Colonial Documents*, iii, 285—and on no other question than this of rent or pecuniary reservation, did that "opinion" treat—the words concerning "profit" and "Jurisdiction," which Mr. Whitehead used so freely, are portions of Sir William's description of a document which had been produced in evidence, by the Proprietors, on the merits of which he passed no "opinion" whatever.

When Mr. Whitehead spoke, therefore, of "Sir William Jones's 'opinion,' that under the "Grants to Berkeley and Carteret there was "no reservation of any profit or see much as "of Jurisdiction;"—*Gazette*, January 6, Column 8—he simply falsified the record, by inventing an "opinion" for Sir William Jones, on a subject on which that gentleman had given no "opinion" whatever; and all the learned argument, based on that invention, in which Mr. Whitehead subsequently indulged, necessarily falls with it.

Mr. Whitehead's remarks concerning the duty of "every true historical enquirer" were very appropriate: how much more appropriate would they have appeared had they been sustained by his own example.

No more evidence will be required to establish the fact that Mr. Whitehead, both in his *Review of General Cochrane's Paper* and in his *Rejoinder* to "H. B. D." has treated the subject under discussion, as well as those whom he has opposed, with great and continued unfairness and, sometimes, with positive wickedness; and the patience of the readers of *The Gazette*, already severely taxed, need not be longer imposed upon by continuing the unpleasant exposure.

Having thus been brought to the close of our labors in this very important, if not generally interesting, discussion, we have the satisfaction of knowing that we have honestly and earnestly done our duty to both the great parties on the record as well as to justice and the truth of history.

We have shown that the original seizure of New Netherland by the English, in 1664, was a violation of the laws of England as well as of the Law of Nations, and therefore, *de jure*, invalid; and despite his ridicule and pretensions, we have driven our opponent from his hold on a valueless title, which originated in this illegal seizure, to a legal one, which originated in the Treaty of Peace, ten years later.

We have deprived the advocates of New Jersey's groundless pretensions of the sophistries with which they had cunningly concealed,

for nearly two centuries, the character and import of the Letters Patents of the twenty-ninth of June, 1674, and those of the Duke's Lease and Release to Sir George Carteret, of the twenty-eighth and twenty-ninth of July of the same year; and we have showed,

FIRSTLY, That instead of absolute conveyances of property, as freehold, in fee simple, as the term is understood in these days, as Mr. Whitehead and those whose echo he is have vainly attempted to establish, the King actually conveyed New Netherland to the Duke only as a Manor was conveyed, in those times, by the Lord Paramount to his tenant,* with certain reservations, *expressed*, of yearly rentals† and with certain other reservations, *impliedly*, but *necessarily*, retained, under the then existing law of the land.‡

We have showed, SECONDLY, that precisely the same character belonged to the conveyances which the Duke, as the Meane Lord of the countries formerly known as New Netherland, made, successively, to Sir George Carteret and his successors in interest;§ and that those conveyances were not, as the advocates of New Jersey's pretences have generally assumed, conveyances of a freehold, in fee simple; that

* "....TO HAVE AND TO HOLD all and singular the said "Lands and Premises, with their and every of their Appurtenances, hereby given and granted, or herein before "mentioned to be given and granted unto our said dearest "Brother JAMES Duke of York, his Heirs and Assigns for "ever; to be holden of us, our Heirs and Successors, as "of our Manor of EAST GREENWICH, in our County of "KENT, in free and common Socage, yielding and rendering," etc.—*Letters Patents to the Duke*, June 29. 1674—*Leaming and Spicer*, 42.

† "And the said JAMES Duke of York, for himself, his "Heirs and Assigns, doth Covenant and Promise to yield "and render unto us our Heirs and Successors, of and "for the same YEARELY and EVERY YEARE, FORTY BRAVER "SKINS, when they shall be demanded, or within Ninety "Days after such demand made."—*Ibid.*

‡ Blackstone's Commentaries, Book II, Chap. 5—Edit. Oxford, 1766, ii., 61-77.

§ "TO HAVE AND TO HOLD all and singular the said Tract "of Land and Premises, with their and every of their Appurtenances, and every Part and Parcel thereof, unto "the said Sir GEORGE CARTERET, his Heirs and Assigns "for ever; yielding and paying therefore unto the said "JAMES Duke of York, his Heirs and Assigns, for the "Tract of Land and Premises, YEARELY, the sum of "TWENTY NOBLES of lawful Money of ENGLAND, of the "same shall be lawfully demanded at or in the Inner "Temple Hall, LONDON, at the Feast of St. MICHAEL the "Arch Angel yearly."—*Release by the Duke to Sir George Carteret*, July 29, 1674—*Leaming and Spicer*, 43.

"The present Proprietors, who derive their respective "Titles to their several Shares and Proportions of the "soil of those Provinces by SEVERAL MEAN CONVEYANCES "from and under the before mentioned Grant to the Earl "of Perth, and other Persons, to whom the DUKE of "YORK HAD IMMEDIATELY CONVEYED THE SAME," etc.—*Report of the Board of Trade to the Lords Justices*, October 3, 1701.—*Leaming and Spicer*, 604.

"AND WHEREAS the Estate, Interest, Right, and "Title of the said James Duke of York, in and to the "Provinces of East Jersey and West Jersey, Part of the "Premises by the said recited Letters granted, are by "MEAN CONVEYANCES and Assurances in the Law, come "unto and vested in or claimed amongst others by Sir

the Duke, as the Mesne Lord, and the Proprietor or Proprietors of East-Jersey, as the sub-tenant or sub-tenants, in their intercourse in this matter, were governed, solely by the feudal law of tenures, as it was recognized in England, in 1674; and that the questions arising from that intercourse must be considered by us in the light of *that* system, not in that of the system which *now* prevails in the United States.

We have showed, **THIRDLY**, that in the interpretation of the several instruments of conveyance, whether that of the King to the Duke or those, respectively, of the Duke to Sir George Carteret, the younger, and the Twenty-four Proprietors, the true "intent and meaning" of the parties thereto must control; and that the meaning, to-day, of terms employed therein, wherein it conflicts with the former, must be peremptorily rejected; and we have reconciled the apparent inconsistency in the description of the premises, in the Duke's conveyances—that inconsistency which has baffled the ingenuity and learning of more than one Boundary Commission and led astray others beside Mr. Whitehead—by producing the most indisputable evidence, that, for many years, both before and after the date of Sir George's Lease of East Jersey, the Hudson-river was generally considered, both by the Dutch and the English, as flowing on *both* sides of Staten-island, and emptying into "the main Sea," at Sandy-hook.

The establishment of these very important facts, by abundant and incontrovertible testimony, has removed all doubts which may have existed previously, concerning the exact meaning of the words which were employed by the Duke to describe the eastern boundary of East Jersey; and, in the light of this testimony, no portion of that boundary now remains in obscurity. From Little-Egg Harbor, northward, to the mouth of "Hudson's river," at the *north-easternmost point of Sandy-hook*, "the main Sea" was made its limit; thence, "Hudson's river," whether locally known as "Godyn's Bay," or the "Kill van Col," or the North River, was named as its easternmost boundary; and the waters of the Hudson, as *the Duke and Sir George mutually understood the term*, from "forty-one Degrees of Latitude," southward to Sandy-hook, whether on the East or the West side of Staten-island, remained, un conveyed, in the undisputed and legal possession of the

Duke, as waters of his Province of New York.

This reconciliation of modern terms with those which were employed by the Duke, in his description of the eastern bounds of the premises conveyed to Sir George Carteret and accepted by the latter, also explains the reason that Staten-island was not considered a part of East Jersey, when, in 1682-83, the Assembly of that Province first divided its territory into Counties; and, in the light of this testimony, it is no longer necessary to discuss the question, as was done by the Boundary Commissioners, in 1807,* whether or not the Kill van Col may be properly considered as "the main Sea!" At the same time, the much talked-of *forbearance* of New Jersey, in not taking possession of Staten-island, as a part of *her* territory, like other borrowed finery with which, from time to time, her injudicious advocates have bedecked her, fell to the ground; and she stood before the world, as she still stands, in all her naked deformity, as much an object of general contempt, save to the few who habitually minister to her abominations, as Suffolk's "Lean-faced Envy, in her loathsome Cave."

The unpleasant duty which devolved upon us, on the appearance of Mr. Whitehead's *Rejoinder*, having thus been briefly and imperfectly discharged, we confidently leave the entire subject in the hands of the learned gentleman who opened the discussion and with the Court to whose judgment it has been officially submitted.

H. B. D.

MORRISANIA, N. Y., January 20th, 1866.

VIII.—A LETTER TO HENRY B. DAWSON,
BY GENERAL JOHN COCHRANE, ATTORNEY-GENERAL OF NEW YORK.

NEW YORK, March 12, 1866.

HENRY B. DAWSON, Esq. :

MY DEAR SIR: The conclusion of your rejoinder to Mr. Whitehead's criticisms on the New Jersey Boundary question, presents to me a fitting opportunity for brief comment. It, perhaps, has not been forgotten that the attention of this gentleman was first bestowed upon a paper which I had the honor of reading before the New York Historical Society, and from which the line of the subsequent controversy proceeded. It was not my fortune to be within the State during the continuing publication of his strictures, nor at their termination. But, had I have been, I do not think that my judgment would have altered the determination of chance, and still

* Thomas Lane, Paul Dominique," [and others] "the present Proprietors thereof, and they also have claimed, "by virtue of the said Letters Patents and MAXX CONVEYANCE, to exercise" etc.—*Articles of Surrender of their pretended Right of Government, by the Proprietors of New Jersey*, April 15, 1702—*Learning and Spicer*, 612, 615.

* New Jersey Commissioners to New York Commissioners, Sept. 30, 1807, and reply of the latter, Oct. 9, 1807; the former to the latter, Oct. 8, 1807, and two replies of the latter, Oct. 8, 1807. See, also, Representation of the Commissioners of New Jersey to the Legislature, appended to the Governor's Message, Feb. 28, 1828, page 66.

there, probably, would have been no reply, by me, to Mr. Whitehead's answer. All will understand the reason; but, perhaps, those only familiar with the usages of forensic discussion will appreciate the method. Whenever, to an opening argument, an impotent answer is submitted, it is not customary to vex the judicial ear with "damnable iteration." I could not perceive that, at any point, my reasoning had either been invaded by facts or disturbed by argument. Where there was nothing to reply to, therefore, silence, I thought, was obviously appropriate. The personal diatribes with which Mr. Whitehead encumbered the profuse track of his narrative, were probably intended, as the bully intends his forced grin, for his backers—a sort of signal of confidence in his own muscle, and of speedy disaster to that of his opponent. I certainly could not object to this sardonic playfulness of the gentleman, albeit a little in detraction of the dignity which should invest the grave historian of a State. I used charity, and pardoned, to the amiable weakness of the author, the vanity which mistook for argument, his unhappy efforts in the character of a *del-esprit*. Yet, among these vagaries, I remember some which, I am thinking, should be restrained, if not denounced.

The objector, something to be sure, in Ercles' vein, solemnly demands why the Attorney-general of New York should threaten New Jersey with a judicial disturbance of the Treaty of 1834, between the two States? Had he sufficiently desisted from his fantastic gambols to peruse the paper he was answering, the objector would not have failed to read: "As I think, she" [*New York*] "unwisely, in 1834, parted with a moiety of her right of access to maritime wealth. *The irrevocable past I would not seek to reclaim*; but, surely, its lessons should engraft in the future, vigilance, wisdom, and resolution." But the error was not only essential to his consistency; it was required to inspire a loftier flight. Hear him: "surely an attempt to disturb the amicable relations existing between the two States, by suggestions of the kind put forth by Mr. Cochrane, cannot but be considered as impolitic, unjust, and unwarranted by any circumstances of the time." And, who, Mr. Whitehead, has made this attempt to disturb those amicable relations, if not the State which you assay to champion? Can the blear optics of this gentleman really have addressed the page he was controverting? or else, what opacity of intellect or malady of understanding could have obscured or perverted these words, plainly impressed upon it: "Yet, the State of New Jersey, contending that the Main Sea flows only without Sandy Hook, asserts, by an extension thereto of the central dividing

"line, a right to the southerly one-half of the Lower-Bay of New York, inclusive of a substantive section of the ship-channel to the harbor of New York." This assertion, couched in judicial process, reposes within the Federal Courts, encouraged and supported by New Jersey, the aggressor, and resisted by New York, simply, in self-defence. Yet, lumbered with ignorance, the objector, staggering, treads onward thus his blundering way: "The length of this review precludes any discussion of the terms of the agreement of 1833-4, fixing the boundaries as they now are. Although so inconsiderately denounced by Mr. Cochrane, they will be found on examination to have been framed in a spirit of anxious solicitude to put an end forever to the disputes between the two States, the concessions being, for the most part, made by New Jersey; and it is hoped, that neither by word nor deed, may the good understanding then arrived at, be disturbed." Framed in a spirit of anxious solicitude to put an end forever to the disputes between the two States! Then, why does New Jersey, now, lay claim to the ship-channel of New York?

"The concessions being for the most part made by New Jersey!" If so, why does New Jersey now, lay claim to the ship-channel of New York?

"And it is to be hoped that by neither word nor deed, may the good understanding then arrived at be disturbed!" Then why does New Jersey now lay claim to the ship-channel of New York?

Fie, Mr. Whitehead! Mendacity only could sustain, in your ultimate paragraph, the man cognizant of the facts. But, let forbearance rule the doubt into a charitable belief that you are as ignorant as the exigencies of your reputation require you to be.

The author who aspires to the oracular rage, is presumed, at least, to have sought the inspiration of truth. But what reliance can he expect, whose premises are founded in ignorance and whose conclusions are hecatombs of massacred facts. When Mr. Whitehead next ascends the tripod, it may be hoped that he will recall a few of the rudiments of authorship. May he remember that the system of dialectics which disregards facts is apt to enshroud its disciples with confusion; while that which opposes them is stricken with the decay which infects falsehood. Above all, may he remember, whenever, hereafter, it shall be his fortune to sustain the encounter of propositions of great pith and moment, that the armor of controversy is constructed of argument, and that its weapon is truth; that neither will the one be strengthened by distempered invective,

nor the other be sharpened by personal abuse.

And now, Mr. Dawson, it occurs to me that I may revert to the proposition from which this controversy arose. As originally submitted by me, it is: "THAT THE WATERS BETWEEN STATEN ISLAND AND NEW JERSEY, THE KILL VAN COL, THE SOUND, AND RARITAN BAY, OR BY WHATEVER OTHER BAPTISMAL NAMES THEY, OR THEIR PARTS MAY HAVE BEEN, OR ARE NOW DESIGNATED, TOGETHER WITH ALL THE WATERS WHICH LAKE STATEN ISLAND SHORES, WERE, FROM THE PERIOD OF THEIR DISCOVERY, KNOWN AND ACCEPTED, AND SHOULD PROPERLY NOW BE CONSIDERED, THE WATERS OF HUDSON'S RIVER."

An easy dissection renders conspicuously plain that the predicate of "all the waters which lake Staten Island shores," is, that they "were, from the period of their discovery, known and accepted" as "the waters of Hudson's River;" and that they should, therefore, "properly, now," be so considered, it is equally plain, is the corollary, or inference claimed from that theorem. In simpler terms, the proposition may be thus stated: "Because 'all the waters which lake Staten Island shores' were, from the period of their discovery, known and accepted as the waters of Hudson's River," therefore, "should they properly now be considered the waters of the Hudson River."

A series of historical proofs, chronologically adduced to the support of the premise, that these waters were, from their discovery, known as the waters of the Hudson River, enabled me, in the paper which I read, thus to conclude: "I may now, I trust, be permitted to think that 'the proposition submitted, that all the waters which surround Staten Island, are the waters of the Hudson, stands substantiated by abundant proof.'"

You will perceive, Mr. Dawson, that, by no other process than that of sinister inference, could the language be distorted, which so peremptorily restricts enquiry to the historical record and so specifically limits the proof to the question of historical identity. Recall now, if you please, Mr. Whitehead's dogmatic assertion, that "not A DROP of the water of the Hudson, flows through the passage between Staten Island and the main;" and answer, if you know, among the canons of criticism, any that does not deride such an answer to the proposition, that, from their discovery, the waters of the Hudson were reputed to encircle Staten Island round about to the sea, or, that does not remit its author to the penalties with which it is charged. If I remember, this remarkable answer is preceded by as remarkable a specimen of drowned metaphor. "A con-

"course of watery particles" "jostle" "detachments of watery hosts;" fluvial "columns of the Passaic and the Hackensack" intermingle with "hosts of the Hudson;" and "battalions" and "flank movements," "rendezvous" and "scouting-parties," figure, alternately, in the tides of the Col, as securely as on a stricken field. Admirable as was the feat which plucked, drippingly, these marine flowers of rhetoric, their martial vigor is not unnaturally suggestive of something like liquid inspirations; and the metaphor, however criticised, should not, therefore, be thought *mixed*, which so appropriately reels before an answer, visibly laboring with a DROP too much.

But, by what proof, is it assumed that this "physical fact" is "established beyond controversy?" Whose the authority, by which rivers run and the ocean stream inflects? None being conceded, either the question stands adjourned, or Mr. Whitehead's assertion is conclusively authentic. I had heard that Mr. Whitehead is a historian. You, Mr. Dawson, have recently exposed his licentious intimacy with maps. But, indeed, I had not heard that the learned gentleman is also Hydrographer in ordinary to the State of New Jersey. Yet, he speaks as one with authority. But, let it pass, and allow me to suppose that the waters of the Hudson do not, in fact, diverge, westward, through the Kills, in their passage to the ocean—can you perceive that the proposition, that the waters of the Kills, outward to the Sea, were, from their discovery, recorded in history and written on charts, the waters of Hudson's River, is at all affected by the supposition? As well might it be claimed, that, because it is ascertained that the turbid waters of the Missouri invade and usurp the channel of the Mississippi, from the confluence of these rivers, therefore, the river whose mouths form the Delta, at the Gulf, was never understood to be the Mississippi, but was always known as the Missouri. Notwithstanding the material identity of the waters, in the seaward channel below the rivers' junction, with those of the Missouri, not only has no doubt ever been entertained that they were designated and known as the waters of the Mississippi, but, at this very day, the map would be scouted in the schools, which inscribed the river, below St. Louis, with the name Missouri.

But, I have too long, my dear Mr. Dawson, been diverted from the purpose with which I addressed you. It is needless that I should express the interest with which I have perused the results of your historical explorations, or that I should convey to you the gratification experienced by the consequent confirmation of my opinions. The proofs adduced by me were, in their number, of that character, which, in my

judgment, located, unalterably, an historical fact. Though aware, then, of others, and that further researches could not but accommodate my proposition, thus conclusively demonstrated, yet, I was pleased to commit to your superior means and opportunities, the labor of excavating the deposits of Colonial history and of drawing from their recesses its dimmed documents. The fitting commentary on your ability is the success which has crowned it. You have rescued from the obscurity of encroaching time, the authentic monuments of forgotten events: you have elicited from oblivion the perishing memorials of a vanishing age: you have exhumed the judicial decrees and disclosed the Orders in Council which affect interests and guide opinions: you have prolonged to our generation, the remembrance of the learning and the rectitude of a former day. Where fallacy obtruded, you baffled it: where mutilation marred, you exposed it: where error usurped, you conquered it.

I may be permitted to hope that these fruits will not be misapplied. They are HISTORY, and they belong to TRUTH. No idle caprice marshalled the way to this exposition of facts. Its inception was in the defence of the interests of the State of New York, at the tribunal of a Federal Court, where they had been summoned, upon high question made by the State of New Jersey. Whatever the individual asperities of controversy, precipitated by the depraved vigor of unprovoked personal assault, the attempt to engraft them upon two great States not only is to be deprecated as injurious, but may be regarded as futile.

New York and New Jersey, when yet two hundred years have passed, as near two hundred years have gone, of mutual discord and contest, will survive, then, as now, prosperous, great and free—respected by all, respecting each other. Then, when the actors in this passing scene shall have expended their brief breath and their life be summed with them that sleep, their petty passions and their joys, their little griefs and their hopes, will long have descended into the universal tomb: but, still mighty and powerful will continue New York and New Jersey—mother and daughter—enduring, and as durable as the waters which divide them.

I am, Very Truly, Yours,

JOHN COCHRANE.

IX.—A POSTSCRIPT,

By HENRY B. DAWSON.

Within the past week or two, the New Jersey Historical Society has published the second part of Volume X. of its *Proceedings*, embracing a record of its doings at its Meetings, held on the eighteenth of May, 1865, and on the

eighteenth of January, 1866—the only Meetings of that body during the past fifteen months.

In the Minutes of the last-mentioned Meeting, as published in that official work, (page 72,) appears the following:

"Mr. Whitehead stated that, since the last meeting of the Society, he had felt called upon, as its Secretary, to engage in the defence of the State, against the effect of unjust imputations and erroneous statements in relation to the water boundaries between it and New York, by replying to several published articles, circulated among prominent gentlemen of that State interested in historical subjects. The discussion had taken a wide range, and had excited some attention, from the evident desire, manifested in some quarters, to create dissatisfaction with the boundaries, as established by the inter-State treaty or agreement of 1833. He had placed a copy of the various articles in the Library, for the information and use of the members.

"Mr. W. Rutherford moved that the papers written by Mr. Whitehead on the subject, be referred to the Committee on Publications, with a view to their being published in the *Proceedings of the Society*.

"Judge Field, from the Chair, stated that he had read the articles with great interest, and considered them eminently worthy of preservation in the form proposed, embodying, as they did, a large amount of information on the topics involved. He made some interesting statements respecting the course of New York, in past years, in relation to the Boundary question, particularly in regard to the objections of that State to refer the matters of difference to the Supreme Court, a reference which, if now made, he was satisfied would result more favorably for New Jersey than had the commission of 1833.

"After some further remarks from Messrs. Hayes and Alofsen, Mr. Rutherford's motion was adopted."

This publication adds new interest to the discussion; and, to some extent, at least, it changes the character of what was supposed to have been Mr. Whitehead's papers.

Instead of William A. Whitehead, it seems that it was the New Jersey Historical Society who Reviewed General Cochrane's paper and *Rejoined to my Review*; and it now appears that it was The New Jersey Historical Society, through its official organ, instead of the gentleman who is the able executive officer of the New Jersey Railroads—so well known to the world and at Trenton—which removed ancient landmarks, mutilated ancient records, made its opponents

say what they never uttered, and refused to consider, or even to recognize, the teachings of that history of which it inconsistently pretends to be the conservator and best friend.

Mr. Whitehead will receive, therefore, my most humble apology for all that I have said of him and of what I supposed to be his words and actions, in the conduct of this discussion; and I desire the shameless Secretary and the Society which, as such Secretary, he represented, in opposition to Messrs. Cochrane and Brodhead and myself, to bear the burden of the shame which, it seems, belongs exclusively to them.

With this information before me, it no longer appears strange that The New Jersey Historical Society, in its corporate capacity, should enter this well-fought field; nor is the re-production of what was supposed to be Mr. Whitehead's papers, among the *Proceedings* of that Society, as strange as it seemed to be, before this tract fell into my hands. The Secretary reported his official action to the Society, as every agent should report to his principal, and the Society recognized the propriety of its Secretary's conduct, as measured by the Jersey standard—not without some debate, however, if the *Proceedings* speak truly—by ordering ("requesting" is the New Jersey term) the republication, *in extenso*, of what purported to be the Secretary's papers, as printed in *The Gazette*.

On the surface, all this seems to be fair to all concerned, and strictly honorable. It is proper, however, that the world should know—what a large portion of it does not yet know—that the Corresponding Secretary and The New Jersey Historical Society are almost synonymous terms; and that when "William A. Whitehead, Corresponding Secretary," shall cease to exist, the recording angel will speedily enter the adjournment, *sine die*, of "The New Jersey Historical Society." Indeed every intelligent Jerseyman knows that, in its literary relations, the Corresponding Secretary carries the Society in his breeches pocket, as a plaything with which to amuse the fancies and to pander to the selfishness of that fag-end of feudalism known as "The Proprietors of East-Jersey;" and the greater number of the solid men of the State, by steadily refusing to contribute to its means for doing mischief, even the annual pittance of two dollars, which the Society so imploringly solicits, proclaim aloud how little confidence they repose either in it or its Secretary, and how little respect is due, either to the one or the other, from any one who has any respect for himself.*

* The statements contained in this paragraph have been made on information voluntarily communicated to me by a townsman of Mr. Whitehead, and one of the most distinguished members of The New Jersey Historical Society.

There is no doubt that the discomfited Secretary appreciates what purports to be the recorded approval of the Society; but no soothsayer is required to foretell, that a professed historian who habitually disregards the evidence of the records of by-gone ages, when it fails to sustain his corrupt designs, and who boldly mutilates those records in order to fit them to his own inventions, can find very little benefit in the support of a Society, the record of whose official action is blurred with the evidence of an offence not less heinous than that from the effect of which that Secretary is now suffering.

As I have said, however, THE NEW JERSEY HISTORICAL SOCIETY has "requested" what purports to be a re-publication of its Secretary's official articles on "*The New Jersey Boundary*," which originally appeared in *The [Yonkers] Gazette*; and the Secretary appears to have complied with that "request," so called, in the printed *Proceedings* to which reference has been made.

No one who is acquainted with either the Society or its Secretary, however, will suppose, for a moment, that, on the subject under discussion, either the one or the other can honestly be honest; and there will be no wonder, therefore, in any direction, when it is known that both continue to travel in the well-worn rut of Jersey duplicity and dishonesty.

How nearly the official reprint, in the pamphlet now before me, is a re-production of the two papers which the Secretary, as such, wrote for *The Gazette*, and how much he has honored the truth of history or preserved the integrity of his authorities, in this renewed official effort, will be seen from the following:

I. The volume is illustrated with a *Map of the waters surrounding Staten Island, FROM THE U. S. COAST SURVEY SKETCH MAP OF 1861*, on which prominently appear two dotted lines, one extending from the ocean, through the Narrows, to Bedloe's Island, marked, "*Line of Hudson's River and the Main Sea*;" the other extending from a point on the last mentioned line, which is midway between Sandy Hook and Coney Island, through the middle of the Lower Bay, the Sound, and the Kill van Col, to the same line, at a point opposite to Yellow Hook, in New York Harbor, and marked "*Line conceded by New Jersey in 1833*."

My knowledge of the proclivities of the New Jersey Historical Society and its Secretary, in their dealings with Maps of the "waters surrounding Staten Island" and its vicinity, led me to look with suspicion on this, purporting to have proceeded from Federal sources; and I fancied that the same fingers which, in 1846, had mutilated the Map of Van der

Donck, for the promotion of New Jersey's cupidity,* had also left evidence of a similar manipulation of the Map before me, probably for exactly similar purposes. I knew no reason for considering that the Society was entitled to my confidence, in any statement which it might make, on any subject, while its shameful falsification of the records, on the subject under examination, twenty years ago, remained unatoned for, and while the same empirical "historian" which then held the controlling power in its councils still uses its name and supposed influence as props to his own groundless pretensions to authorial respectability.

I was led, therefore, to turn to the original of *The U. S. Coast Survey Sketch Map of 1861*, "from" which the New Jersey Historical Society would have the readers of its *Proceedings* suppose that this *Map of the waters surrounding Staten Island*, with its "Line of Hudson's River and the Main Sea," and its "Line conceded by New Jersey, in 1833," had been faithfully extracted; and I would that all who shall read this could follow me in the comparison of the two.

Like its re-publication, in 1846, of what purported to be a section of the van der Donck Map, this re-publication, under its authority, of what purports to be a section of *The U. S. Coast Survey Sketch Map of 1861*, is AN IMPUDENT FORGERY; and the Society at whose "request" it was prepared and by whom it was published, in issuing it, has added nothing whatever to its reputation for integrity. *Neither in The U. S. Coast Survey Sketch Map of 1861, nor in any other map or publication, have the United States, or any other body or individual—unless New Jersey or some one in her behalf—ever issued such a Map as this; and the inscription on the latter, "From the U. S. Coast Survey Sketch Map of 1861," was evidently placed there by the Secretary of the New Jersey Historical Society, as such, for the purpose of DECEIVING the readers of the Proceedings with a pretence that the Coast Survey had officially recognized his pretended "Line of Hudson's River and the Main Sea" and "Line conceded by New Jersey, in 1833."* This would have been equivalent to a recognition, by the Federal authorities, of all the impudent pretensions of that State and of all the falsehoods by which the Secretary and the Society have attempted to bolster up those pretensions; but, unfortunately for the character of the Society and that of its Secretary, the *Coast Survey* has

never run such lines, nor has it ever traced them on any of its Maps.

II. But it is not alone in the Map which illustrates it, that this Part of the Society's *Proceedings* is made to misrepresent the great historic truths which are involved in this controversy.

1. On page 52 of this work, the Secretary stated, deliberately, that the opinions which were entertained in England respecting the locality in question, in the days of Charles and James, were derived from the celebrated *Carte Figurative* and similar maps, all of which he truly represented as unmistakably showing that the River Mauritius (now Hudson) as it washed the margin of Manhattan Island, and enlarging thence its course to the ocean, swelled into an expansive bay, which enclosed Staten Island and passed, at *Sandy Hook*, into the main sea.

The Secretary subsequently learned that this admission of the truth concerning "The opinions entertained in England respecting the locality" in question, was an admission of an element which would destroy his inventions concerning New Jersey's boundaries; that the "intent and meaning" of the Duke and Sir George Carteret, the former in making the Grant and the latter in accepting it, can be best ascertained by a reference to "the opinions entertained in England respecting the locality;" and he, at once, expunged it from the copies which he reported to the Society and published in its *Proceedings*. It was evidently no part of his official business, nor did it seem to be any part of the Society's purpose, to regard the truth with any favor, when it conflicted with the pretensions of "The Proprietors of East Jersey;" and, even in the apartments of a "Historical Society," so called, a, so called "historian" gravely smothered a historical truth, because it clashed with the lawless pretensions of an ancient relic of American feudalism.

2. In a Note, appended to page 121 of the Society's re-print, the Secretary has attempted to parry the blow which, on pages 94-97, 236-239, of this work, I inflicted on his argument, by referring to his emphatic endorsement of the Ogilby Map and to his carefully-considered description of its evident effect on the minds of the King, the Duke, and Sir George Carteret, when the original Grants of New Jersey were made and accepted, in 1674; and his defence is, that *its value consisted only in the fact that it corroborated the views of the Jersey Commissioners of 1769, concerning the position of the North-western point of the Colony of New Jersey*: as if the influence of the authoritative Map and Statement of the Cosmographer to

* Reference is made here to the omission from the copy of a section of the van der Donck Map, published by the New Jersey Historical Society, in the first volume of its *Collections*, of that eminent Dutch Historian's testimony that *the mouth of the Hudson is at Sandy Hook*.

the King, in forming opinions concerning the *North-western* point of the disputed Boundary, was more perceptible and more important than it was in forming those concerning the *Eastern* portion of the same Boundary, in effecting which this Map not only concurred with Vischer's and van der Donck's, but with the statement of *every writer of that period, who referred to the subject, in detail.*

Again: the Secretary has alluded only to Mr. Ogilby's *Map*: it is evident, from his entire silence on the subject, that he DARED NOT meet that gentleman's *Narrative*, in the text of the authoritative work, with which, as the King's Cosmographer, he sapped the foundations of the sophistries employed by the corrupt advocates of the pretensions to Staten Island, of the Colony and State of New Jersey; and indicated, in unmistakable terms, what was the exact meaning of the words of the Charter of 1674.

"The truth of history" demanded, from the Society and its Secretary, a *candid* and *faithful* examination of this important branch of the subject; but, as the pretensions of "The Proprietors of East Jersey" might suffer from such an examination, and as the supposed interests of the "Proprietors" were evidently more important to the Society and its Secretary than was the truth of history, the claims of the latter were speedily and silently dismissed, anew, with all the insolence which has so much distinguished the Secretary and the Society which he represents.

3. On the same page of the Society's reprint of its Secretary's papers (*page* 121), a Note is devoted to a defence of the Society, against my charge of an improper *mutilation* of the van der Donck Map of 1656, in the First volume of its published *Collections*, in order that the mouth of the Hudson, *as delineated thereon*, at Sandy Hook, might be concealed, and the pretensions of New Jersey promoted; and what, kind reader, do you suppose, was the ground of the defence? Simply, *the settlement of a portion of the boundary, IN ANOTHER PART OF THE LINE, by the inter-State Treaty of 1833.*

In view of the issue, in 1846, by The New Jersey Historical Society, of a *MUTILATED Map* of this particular locality, professing to be van der Donck's, and, in 1866, of a *FORGED Map* of the same locality, professing to be the United States Coast Survey's, the reader will probably judge correctly, when he supposes that the locality must be an important one; that New Jersey *desires* to exercise some control over it which it cannot now *legally* do; and that, like other desperadoes in other desperate cases, she is not very particular in her selection of the means by which she

seeks to secure her ill-concealed purposes. He will probably be very nearly correct, also, when he assigns, as a reason for the Secretary's important defence of that despicable fraud, the fact that, Jersey-man as he is, that officious official could find no better excuse.

The inter-State Treaty of 1833, as a justification of the New Jersey Historical Society's *MUTILATION of van der Donck's Map of 1656!* What forger would not be a Jerseyman, or seek a Jersey apologist?

4. On page 126, the Secretary seeks, also, in another Note, to parry the blow inflicted *by himself*, unwittingly, on his own *mutilated* version of the Act of the Assembly of East Jersey, of March, 1682-3, for the division of that Province into Counties, by the publication of a Map, also *by himself*, on which he properly placed Constable's Hook at the entrance of Newark bay.

I do not think it necessary to disturb the Secretary's meditations on this subject, as he is merely settling *with himself and his Principals* which horn of the dilemma he and they shall take; and either will be found sufficiently uncomfortable.

The letter of the original Act of March, 1682-83, when compared with Mr. Whitehead's and the Society's version of it, will indicate the extent and character of their mutilation of that ancient record; and the words of the *original* Statute, defining the boundaries of Bergen-county, compared with Mr. Whitehead's Map, as of 1682, will indicate what was *then* considered "Hudson's river," even by the Assembly of New Jersey.

The Secretary's attempt to bolster up his and the Society's mutilation of the Act is exposed by the terms of the Act itself—*Leaming and Spicer*, 229—; his attempt to impeach the integrity of *his own* Map is met and exposed by George Scot's *Model of The Government Of the Province Of East-New-Jersey in America*, Edit. Edinburg, 1685, page 139, and by Smith's *History of Nova-Casaria, or New Jersey*, Ed. Burlington, N. J., 1765, page 160; both of which are recognized authorities on the subject, everywhere: the Secretary and the Society my choose, for themselves, therefore, the particular point on which they shall impale themselves. They must either *admit* the truth, as displayed by the Act and their own Map, at the expense of their narrative,—*Whitehead's East-Jersey under the Proprietary Governments*, 97,—or they must *deny* the well-established facts, as the Secretary has attempted to do, at the expense of both their Map and their characters for veracity. The selection belongs only to them.

5. On page 129, the Secretary makes a great display of the fact that an ignorant map-colorist, in Germany, a hundred years ago, "*colored*

"Staten Island with the same tint he gives New Jersey;" and he gravely parades that, as an evidence to sustain his ideas of both the German's "sense" and of his own and New Jersey's nonsense.

Why did not the Secretary also tell the additional fact, which is equally true, that this "sensible" German map-colorer also colored *Manhattan* Island "with the same tint he gives 'New Jersey,'" and reason therefrom, as he reasoned concerning *Staten* Island, that *Manhattan*, also, was consequently a part of the State of New Jersey? Was he afraid that New York might reverse his movement, and put in a claim to the whole of his "native State," as a dependency on Manhattan, on the ground of a sameness of color; or did he merely desire to employ the "sense" of this German print-colorer to conceal the real shallowness of his State's pretenses to Staten Island and the shift to which he was put for evidence to sustain those pretenses, even before his own associates?

6. On pages 182, 183, of the Society's volume, the Secretary, also, in a Note, has reiterated his former misrepresentation of Sir William Jones's decision; and he has pompously paraded Noah Webster, James Grahame, George Bancroft, and Isaac S. Mulford, on *false* issues, to shield himself from my charge concerning the *true* one.

I was, however, perfectly sensible of the meaning of the word, "jurisdiction," without Mr. Webster's help; and I am just as capable of understanding the meaning of Sir William Jones's words, as are Messrs. Grahame, Bancroft, and Mulford.

I said that Sir William Jones had been falsified by the Secretary of the New Jersey Historical Society; and the Secretary, instead of joining issue with me and attempting to disprove the charge, has gravely raised a new issue, and lets the old one go by default.

I renew the charge, therefore, that the New Jersey Historical Society, through its Secretary, misrepresents Sir William Jones, by making him say, in his "Decision," what he did not say, if we may believe the original, as published by Mr. Brodhead; and I invite that distinguished body to disprove the charge, if it can do so.

7. On page 145 of the Society's volume, the Secretary, also in a Note, staggers against my exposition of the shallowness of his pretensions concerning the right to Port-privileges of the city of Perth-Amboy; and he blindly assumes that those rights, had they ever existed, were simply general "governmental rights," granted to the Proprietors and surrendered by them, in 1702.

The Secretary knows, as well as I, the entire groundlessness of this argument. If Perth-Amboy ever possessed the rights, under the Crown,

of a Port of Entry, neither the Proprietors of East Jersey nor the King, nor both combined, could have deprived her of that franchise; and he *knows*, also—and he would say so if he wore any other livery than that of "The Proprietors of East Jersey"—that the reason that the Proprietors continued to pray for the privileges of a Port, was the fact that THE KING HAD STEADILY REFUSED TO GRANT ANY SUCH PRIVILEGES, BOTH BEFORE AND AFTER THE PROPRIETORS SURRENDERED THEIR "PRETENDED" RIGHTS OF GOVERNMENT IN THE PROVINCE.

If the Secretary and the Society do not know the extent of "a governmental right" to control, or abridge, or annul, A FRANCHISE, duly granted, it would be well for their reputation if they would talk and write less on the subject.

8. The terms in which New Jersey has been referred to, both by General Cochrane and myself, appear to offend the Secretary and the Society; and they devote a long Note, on page 147, to a remonstrance on the subject.

It would have been well, one would have supposed, had they showed that New Jersey deserved more consideration, before presenting a remonstrance on the subject; and an attempt should also have been made, at least, it seems to me, to remove from the records the accumulated evidence of her forced contributions from railway passengers, of the shelter afforded by her laws to those who were unwilling to pay their just debts in New York, of her legal discrimination, even at her country toll-gates, between the residents of New Jersey and those of New York, etc., to say nothing of her persistent endeavors, by hook or by crook, to filch from New York, a portion of both her territory and her property.

If the Society and its Secretary are really as anxious to preserve the name of New Jersey from merited disgrace as they seem to be, let them cease to mislead her, and show a desire, however small, to check her reckless career. *Let them first become honest themselves*; and then, holding up the example of their own reformation and new-found title to respectability, let them encourage their fellow-Jerseymen, both financial refugees from New York and others, to follow in their repentant footsteps.

In the meanwhile, both the Secretary, who has so far forgotten his duty, and the Society, which has so far departed from the purposes of its foundation, as to sacrifice the truth of history on the altar of a time-worn and corrupt corporation, will continue to receive the justice to which they are so eminently entitled; and their mutilated Records and forged and mutilated Maps, their concealment of antagonistic truths and their invention of corroborative falsehoods, will continue to be treated with that contempt from which

not even the corporate name of a "Historical Society" can wholly shield them.

HENRY B. DAWSON.

II.—SELECTIONS FROM THE PAPERS OF REV. WILLIAM BENTLEY, D.D., OF SALEM, MASSACHUSETTS.

FROM THE ORIGINALS, IN THE COLLECTION OF
MISS MARY CROWNSHIELD, OF CHARLES-
TOWN, MASSACHUSETTS.*

1.—*Letters from Hon. J. B. Varnum.*

I.

WASHINGTON Dec. 16, 1809.

DEAR SIR,

I have this Evening received your letter of the 11th inst. I am happy to learn from you Sir, that the Outrages against our Government in the Case of Mr. Jackson are at least Beginning to Abate in Massachusetts. For the honor of our common Country and for the love of Justice, it is my most Ardent Prayer to Heaven, that a final and Eternal end may be put to the falsifications, Insinuations and Declamations of the Enemies of Our Independence, Liberty and happiness, against the most Admirable System of Government, under which, by the Special dispensation of *Divine Providence* we are permitted to live.

Nothing has been decided on by the House, in regard to the great National Questions which at this time seem to present themselves to us, in the most prominent manner.

I hope to receive your communications as frequently as may be convenient to you to make them, and I shall not fail to make such returns as are in my power.

I am very respectfully, Dear Sir,

Your Obt. Servt,

J. B. VARNUM.

REVD WM BENTLEY.

II.

WASHINGTON, March 5, 1810.

DEAR SIR,

No foreign news has reached us, nor domestic occurrence happened here recently, of much importance. Arrivals from Europe are daily expected, which will probably be charged with interesting matter. Until then very feeble measures on our part towards the Belligerents will be served up for us to feed upon at least three times in a day. No exertions will be untied by the Federal Party to carry their Election

on the first Monday of April next. If the Republicans could adopt measures for getting every voter to the Polls their success could be certain.

I am Sir, with great respect,

Your obt Servt,

J. B. VARNUM.

REVD WM BENTLEY,

SALEM.

III.

WASHINGTON, March 21, 1810.

DEAR SIR,

I have this day received your letter of the 15th inst. It gives me much pleasure to learn your success in Salem, and I most sincerely hope that the first Monday in April will prove as propitious, not only to Salem alone, but to the whole Commonwealth, as the day you have experienced in the choice of Town Officers. I know very well that many people throughout the Nation, have thought the Measures taken by Congress this Session, have not been so strong as they ought to have been; but Sir it may turn out for the best Interest of the Nation, that nothing more has been done as yet. The first Official accounts from England and France will enable us to decide what course is best to be pursued. Your letter and package of the 9th of Feb. was received and communicated to the President, according to your order, of which I informed you by letter.

I am Dear Sir, With great respect,

Your obt. Servant,

J. B. VARNUM.

REVD WM BENTLEY,

SALEM.

IV.

WASHINGTON, March 29, 1810.

DEAR SIR,

I have this day received your letter of the 24th (?) inst. It is a matter which affords much joy to the Republicans here from all parts of the Union, that the election in New Hampshire has terminated in favor of Correct principles. It is hoped that the citizens of Massachusetts will, on Monday next *go and do likewise*.

Genl. Stark has always deserved well of his country, and his late specimens of Patriotism, can never be forgotten by a grateful Country.

The letter enclosed will be delivered to Mr. Madison tomorrow.

We are anxiously waiting for news from Europe. Nothing certain has been received from there for some time.

Your affectionate friend and

Obt. Servant,

J. B. VARNUM.

REVD WM BENTLEY,

SALEM.

* We are indebted to our esteemed friend, Captain George Henry Preble, U. S. N., for the copies of these papers from which we print.—EDITOR.

V.

WASHINGTON, April 11, 1810.

DEAR SIR :

Your favor of the 4th inst was received yesterday. The accounts from all parts of Mass. are such as leave no doubt of the election of Messrs. Gerry and Gray, and I think we have a chance for a majority in the Senate, if justice be done. It is hoped that no exertions will be wanting on the part of the Republicans to crown their success in May. Nothing official from Europe. Congress has agreed to adjourn on the 23^d.

Your obt. servt.

J. B. VARNUM.

Rev'd WM BENTLEY

Salem

VI.

WASHINGTON, January 4, 1811.

DEAR SIR,

I have received your friendly communication of the 27th ult., for which I thank you. We have nothing of importance here which I am at liberty to communicate.

Congress was yesterday occupied on a message from the President of the United States, with closed doors.

Any thing which shall occur of importance I will communicate as opportunity may permit.

I am dear Sir your very respectful

humble servant

J. B. VARNUM.

Rev'd

WM. BENTLEY

VII.

WASHINGTON Feb 16, 1811.

DEAR SIR,

Your favor of the 11th inst. came to hand this evening, for which you will please accept my thanks.

We are progressing in the common business of the Nation with celerity. The Bank Question remains under the discussion of the Senate.

We have nothing new either from Europe or Florida.

I hope your idea of the Republican success in Massachusetts in future will prove correct.

Your obt. Servant

J. B. VARNUM.

Rev'd. WM. BENTLEY.

2.—Letters from Hon. Nathaniel Silsbee.

I.

WASHINGTON, Nov. 30. 1816.

DEAR SIR,

I have received your communication relative to Mr. Joshua Ward, and I assure

you it would afford me much pleasure to be instrumental in procuring for him that aid from the Government which his services to his country seem to entitle him to, but unless he can produce satisfactory proof (such as the testimony of two respectable witnesses) that he served either in the land or naval service for the full term of nine months at *one period* of the war, he cannot obtain the benefit of the late law, nor of any other law in existence.

His only chance of relief is by a petition to Congress, and even there he will not meet with success unless he can substantiate the facts which he may state in his petition.

This may justly be considered one among a number of other *hard cases* which have been presented by me to the War Department since I have been here; but there is a fixed determination in the executive branch of the Government to reject all cases of claim which are not accompanied with *full proof* of a continued service of at least nine months, at *one period*, in the cause of the war.

The President has made particular inquiries as to your health, and has desired me if I should have occasion to write you, to repeat that he should be glad to see you at the seat of Government, and would accommodate you with a room during your stay.

I beg you to accept the assurances of my friendship and esteem.

NATHL. SILSBBEE

Rev'd.

WM BENTLEY

Salem.

II.

WASHINGTON, Dec. 14. 1817.

DEAR SIR,

I had the satisfaction to receive your very friendly letter of the 6th inst., a few days past, for which and the particular narration which it affords of events immediately prior and subsequent to the melancholy death of Mr. G. Crowninshield, I beg of you to accept my most sincere thanks, as well as for your assiduous attentions and particular devotions and remembrances of every branch of the family (which have been communicated to me by my friends) on that occasion; all which will I trust be duly remembered.

The first intelligence which I received of this afflicting event was by a letter from my brother William, which reached me just as I had left the Representatives' Chamber, at the adjournment on the first day of the session.

You may conjecture, but my powers are inadequate to describe what were my feelings on receiving this, most unexpected and sad piece of news, with which I proceeded to my lodg-

ings (about 2½ miles from the capital) and on my way met a message from Mr. B. W. C. who had also received the sad tidings and sent a message to call me home, where I soon arrived to unite in such a scene as I will leave your own imagination to portray to you. Mrs. Silsbee in particular was quite overcome. As tho' to increase the unexpectedness of this event, we had by the very preceding mail, received a letter from George himself, informing us of the loss of Richards factory.

Mr. G. C. by his residence in my family had very much increased my friendship for, and attachment to him. I therefore feel this bereavement much more sensibly than I probably should have done, had it happened at an earlier period; this with the other sudden deaths, which happened about the same time, within our town, could not I think, but have produced a general sympathy.

It is known to any of us here whether Mr. C. has left a will or not, but as none seems to have been discovered at the date of our last letters from Salem I am now inclined to the opinion that he may not have executed any. This sudden death of our friend, cannot fail to remind us of the great uncertainty of all earthly joys, and I think it ought to inspire in us a disposition and even a determination to overlook the imperfections of our friends (as none of us are perfect) that we may the better enjoy them here on earth, and it is my sincere wish that the late event may have a tendency to such a result. I hope to meet you in the Spring, "home is home, tho' ever so homely," and I had rather sit under my own "vine and fig tree" in Salem, than in the most stately edifice in Washington. I should have acknowledged your letter earlier, but have been prevented by a very sore hand, which has rendered me *unfit for service* for several days, and even now I can scarcely write, as you will readily perceive.

With my best wishes for your health and happiness, I am truly and sincerely your friend.

NATH. SILSBEE.

Mrs. Silsbee offers her respectful recollections and thanks for any attentions which may have been conferred on this occasion.

Rev'd.

WM BENTLEY.

III.

WASHINGTON, Dec. 20. 1817.

DEAR SIR,

I had the pleasure to receive your esteemed favor of the 23^d, two days since.

Presuming that the pro-forma Will and bonds found amongst Mr. G. C.'s papers are the only ones which exist, we have authorized an admin-

istration to be made on his estate, which I hope and trust will lead to an amicable settlement thereof and to draw more closely the "social ties" between those "who are bound by natural ones."

I am pleased to hear that you have lately visited my good mother and my brothers, the former of whom, I am very sorry to learn, was, at the date of my last letters, considerably indisposed.

Mr. D. M. Randolph, a very respectable gentleman of Virginia, called on me the other day to make some inquiry relative to a family of the *Clark's*, formerly of Salem, but not being able to afford him any information myself, I told him that if he would commit his inquiries to writing I would forward them to you, who would afford him more correct information than any one else. I take the liberty herewith to send his memorandum, and if you can without inconvenience to yourself, give to Mr. Randolph, through me, any such information as he wishes, he will, I doubt not, be grateful therefor.

I sent you by a Mr. Pope of Salem, a few days since, *Receipts and Expenditures of U. States for 1815*, being the last published.

If the Bill for the relief of the soldiers & sailors of the Revolutionary war, passes the Senate, it will afford relief to some of our own townsmen; the Bill however, needs some amendment which I hope it will receive in the Senate; it ought not to be confined to those who are "incapable of gaining a maintenance," it should be more liberal.

Mrs. Silsbee and the children tender their regards; with my own good wishes for your health and happiness, and fervent prayers that we may yet long enjoy the blessings of your pastoral care.

I am truly your friend.

NATH. SILSBEE.

Rev'd.

WM. BENTLEY
Salem.

IV.

WASHINGTON, Jan. 22, 1818.

MY DEAR SIR:

Yours of the 9th inst. came safely to hand, with another enclosed for the use of Mr. Randolph which cannot fail to show to him that you have taken great pains to obtain the information he desired. I have forwarded the letter to Mr. R. who is now in Virginia.

I am again induced to seek, through you, some information for the benefit of another friend; Mr. Lowndes of So. Carolina, member of the House and Chairman of the Committee of Ways and Means, has a brother-in-law who is the son of Genl. Thomas Pinkney of S. C. who he wishes to place under the care and in the

family of some clergyman in New England, for the purpose of finishing his education. Mr. Lowndes says the young man is about 17 years of age; his father had placed him at the Academy at West Point, where he was when the late difficulty happened at that place, but Mr. L. says that on an examination into that affair no particular censure or blame was found to attach to this young man, who returned and now is at West Point; but his father having become dissatisfied with that situation for his son, now wishes to place him in the family and under the tuition of a respectable clergyman, if one can be found who would be willing to take such a trust and is able to teach him *mathematics* and *general literature* and who would also confine himself to the tuition of this lad as not to take any other.

Mr. Lowndes says the disposition of the young man is very good, but as his studies must be rather backward of some others of his age, his father prefers that he should study alone, and is willing to make almost any compensation to have his son placed as he now wishes. I am sorry to impose on your goodness, but if you know of any one in our neighborhood, or in our part of the country who would be willing to take upon himself the trust required and who would probably execute it to the acceptance of the friends of the young man, will you have the goodness to inform me, and I will communicate the same to Mr. Lowndes, with whose character, if not with his amiable manners and disposition, you are already acquainted.

With the most sincere regard

I am Dear Sir, your obt. servt.

NATH. SILSBEE

Rev'd.

WM. BENTLEY.

[TO BE CONTINUED.]

III—A NAVAL HISTORY OF RHODE ISLAND.—CONTINUED FROM PAGE 267.

By HON. J. RUSSELL BARTLETT.

XXV.

FIRST ARMED RESISTANCE TO BRITISH AUTHORITY IN THE COLONIES, IN 1764. HIS MAJESTY'S ARMED VESSEL, THE "ST. JOHN" FIRED UPON AT NEWPORT. RIOT THERE. STATEMENTS OF LIEUTENANT HILL AND CAPTAIN SMITH. PROCEEDINGS OF THE KING IN COUNCIL, ON THE SUBJECT.

In all the Wars with France, Spain, and Holland, in which Great Britain had been engaged during the last century, previous to the War of the Revolution, it has been shown that she con-

sidered the maritime Colony of Rhode Island a nursery for seamen, whence she manned her ships-of-war, when they reached the shores of her North American Colonies. Indeed, it was not alone when she was engaged in War that these calls were made upon us; for, in peace, her her fleets were constantly on the lookout for seamen, wherever they could be found.

Rhode Island had ever manifested the strongest loyalty for the mother country: she furnished troops and seamen, money and provisions, whenever they were required for the public service. Now, however, the Colonists considered their rights and liberties had been infringed upon by increased duties upon articles necessary for her existence, and without which her commerce would be utterly destroyed. The proposed stamp-duties and the increased powers to the Courts of Vice Admiralty were grievances equally serious; and tended to alienate the hitherto loyal Colonists.

When Rear-admiral Lord Colvill, in the year 1764, sent four of his armed vessels from Halifax "to spread themselves," as he writes to England, "in the principal harbors between Casco Bay and Cape Henlopen, in order to raise men," he did not meet with as favorable a reception, in Rhode Island, as on previous occasions. The vessel which came here was the schooner *St. John*, Lieutenant Hill. This officer, it appears from the Admiral's dispatch, met with very little success, for, writes he, "the merchants "having, to all appearance, entered into a combination to distress us, as far as they are able, "and by threats and promises, to prevent seamen from entering."

But it was not alone in dissuading seamen from entering the King's service that Admiral Colvill had received a rebuff from the people of Rhode Island. His officer, Lieutenant Hill, having employed his vessel in other duties, at Newport, met with a resistance which he did not expect. "The behavior of the people at "Rhode Island to Lieutenant Hill," writes the Admiral in his dispatch, "in an affair of his "duty as a Custom-house-officer, was so extremely insolent and unprecedented, that I think "it my duty to lay before their Lordships an "account thereof, under his own hand; and, "at the same time to observe that, from his conversation, I have reason to think there are "many aggravating circumstances omitted in "this account, which would appear upon strict "inquiry into the affair."

As this affair was, very naturally a most serious one, in the eyes of Admiral Colvill, being no less than an armed resistance to His Majesty's Government, he transmitted to England the full reports of his officers in relation to it. They are as follows:

Statement of Lieutenant Hill of His Majesty's armed schooner, St. John.

"On the 30th of June, being at Newport, in Rhode Island, I received information that a brig was unloading in a creek, near Howland's Ferry. I immediately weighed anchor, and went in quest of her. Upon my arrival there, I found the vessel had unloaded her cargo and sailed.

"I forthwith made seizure of the cargo, which consisted of ninety-three hogsheads of sugar; and, at night, sent the boat, manned and armed, in pursuit of the brig, which was taken the next morning, at day-break, and proved to be the *Basto*, of New York, —, Wingate, Master, from Monto Christo.

"I reloaded the sugar, on board her; and the owner being apprehensive that I intended to carry her to Halifax, had me arrested, and obliged me to find bail that she should be brought to Newport and tried there; on the 4th July, the Collector of the Customs resealed the brig and cargo, under a pretence that I was not properly qualified; although I imagined that I had taken all the necessary oaths, at Halifax; yet it seems the oath of office had been omitted. I immediately set out, by land, for Boston, to consult the Surveyor-general, on this matter; and, in my absence, the mob, at Newport, endeavored to destroy the King's vessel. The following is the account which I received of this affair, from my officers, upon my return:

"On Monday, the 9th July, 1764, at two o'clock in the afternoon, sent the boat, manned and armed, on shore, to bring off Thomas Moss, a deserter, who had left the vessel, some days before, and was then on the wharf; a large mob assembled and rescued him; and seeing our people in great danger, we fired a swivel, unshot, as signal for the boat to come on board. The mob took Mr. Doyle, the officer of the boat, prisoner, and wounded most of the boat's crew, with stones, which fell as thick as hail round and in the boat; and they threatened to sacrifice Mr. Doyle, if the Pilot was not immediately sent on shore, and delivered up to their mercy; they even threatened to haul the schooner on shore, and burn her.

"At five, we sent the boat on board the *Squirrel*, to acquaint the commanding officer of our situation. In the meantime, the mob filled a sloop full of men, and bore right down to board us; but seeing us determined to defend the vessel, they thought proper to sheer off and go on shore again.

"At six, the boat returned from the *Squirrel*, with orders to get under way, and anchor close under her stern. The mob growing

"more and more tumultuous, we fired a swivel, and made a signal to the *Squirrel*, for assistance, and got under sail. As soon as the mob saw our design, they sent a sloop and two or three boats full of men, to the battery, on Goat Island, and began to fire on us, notwithstanding the Lieutenant of the *Squirrel* went on shore and forbade the Gunner to do any such thing. They even knocked him down; and it was with difficulty that he got from them; they fired eight shots at us, one of which went through our mainsail, whilst we were turning out.

"At eight, we anchored in ten fathom water, within half a cable's length of the *Squirrel*, and received one shot more from the battery, which went close under the *Squirrel's* stern. They threatened to sink us, if we did not immediately weigh and run into the harbor again; but upon the *Squirrel's* getting a spring upon the cable and bringing her broadside to bear upon the battery, they left off. "At eleven, next morning, they set Mr. Doyle at liberty."

"THOMAS HILL."

XXVI.

PROCEEDINGS OF THE KING IN COUNCIL, ON THE ARMED RESISTANCE OF RHODE ISLAND, IN THE AFFAIRS OF HIS MAJESTY'S SHIPS "ST. JOHN" AND "SQUIRREL." ADMIRAL COLVILL'S LETTER. CAPTURES OF RHODE ISLAND VESSELS, BY SPANISH PRIVATEERS. COMPLAINT OF FRANCE AGAINST RHODE ISLAND PRIVATEERS. CASE OF THE "CLAUDE MARIE."

Upon the receipt, by the Government, in England, of Admiral Colvill's letter transmitting the reports of Lieutenant Hill and Captain Smith, the officers commanding His Majesty's ships, the *St. John* and *Squirrel*, who had been so harshly treated by the people of Newport, the matter was laid before the King in Council. The proceedings thereon were soon after communicated by Secretary Sharpe to the Colony, and were as follows:

"At the Court at St. James's, the 19th day of March, 1765. Present, the King's Most Excellent Majesty in Council.

"Whereas, there was this day read at the Board, a Report from the Right Honorable the Lords of the Committee of Council for Plantation Affairs, dated the 15th of this instant, upon considering several papers relative to the riotous behavior of the inhabitants of Rhode Island, in opposition to Lieutenant Hill, commanding officer of the schooner *St. John*, and acting as a Custom house officer, to prevent smuggling and carrying on an illicit trade in those parts;

"His Majesty taking the said Report into consideration, is pleased, with the advice of his Privy Council, to approve of what was therein proposed, and doth hereby order, that copies of the said papers (which are hereunto annexed,) be transmitted to the Governor and Company of the Colony of Rhode Island and Providence Plantations; who are to return to His Majesty, at this Board, with all possible dispatch, and exact and punctual account of the whole proceeding, authenticated in the best manner, the nature of the case will admit of, together with the names and descriptions of the offenders, and what means were used at the time of the tumult, by the Government and Magistracy of that Colony, for the suppression thereof, and the protection of His Majesty's vessels and their crews; particularly, whether anything, and what, was done, by the Government of the said Colony, when the populace possessed themselves of the battery, upon Goat Island; and what measures have been since taken, to discover and bring to justice the offenders.

"W. SHARPE."

"*Extract of a letter from the Right Honorable Lord Colvill, Commander in Chief of His Majesty's ships and vessels in North America, to Mr. Stevens, dated on board His Majesty's ship, the Romney, 24th August, 1764.*

"In my letter of the 26th July, I enclosed you the account which I received from Lieutenant Hill, Commander in chief of the *St. John*, schooner, of the treatment he met with from the people of Newport, Rhode Island; since which, I have had a letter from Captain Smith, of the *Squirrel*, relative to the same affair, an extract of which, I now enclose, together with his Lieutenant's account of the transaction."

"*Copy of an extract of a letter from Captain Smith, to Lord Colvill, dated 'Squirrel,' Rhode Island, 12th July, 1764.*

"On Monday last, I was ashore, and on my return, received the enclosed account, from my Lieutenant, of a most insolent and ignorant abuse of power in the Government of this place, on which I immediately sent on shore for the Gunner of the fort, to know his authority for firing on the King's colors. He produced an Order for stopping that vessel, signed by two of the Council, the Deputy Governor being absent at that time.

"I, in company with my Lieutenant, waited on the Governor and Council, to demand a proper acknowledgment of the insult they had committed, in order to inform Your

"Lordship of it; I found them a set of very ignorant Council.

"They agreed that the Gunner had acted by authority, and that they would answer for it, when they thought it necessary.

"It appears to me, that they were guided by the mob, whose intentions were to murder the Pilot and destroy the vessel. I am very sorry they ceased firing before we had convinced them of their error. But I hope it will, by Your Lordship's representation, be the means of a change of Government in this licentious republic."

"The Lieutenant of the *Squirrel's* account of the above affair:

"In the afternoon, as I was walking the deck, I saw a gun fired from the *St. John*; soon after, her boat, with a petty officer, came on board, and told me that the mob had rescued the deserter, detained the Master, and wounded all the boat's crew; and that the gun fired, was for the boat to return on board; that the people from the town hailed the schooner, and desired them to send the Pilot on shore, or they would sacrifice the Master, and manned several boats to board them. I then ordered him to return on board, and to make a signal if they attempted anything further; likewise, to bring the schooner out, and anchor near us.

"Soon after, several gentlemen came on board, and said they came to represent the occasion of this disturbance, lest the officer of the schooner should have made a misrepresentation of the affair. They said there was a theft committed by three of the schooner's people; that they had one in possession, and wanted the other two, who were on board the schooner; that a peace-officer had went off, and they had refused him admittance; and they now imagined he would return with an armed force, to gain admittance. I told the gentlemen the offenders should be sent on shore.

"The signal was then made by the schooner, pursuant to my former directions. I immediately sent a boat and a petty officer, to order her out of the harbor; on which the gentlemen told me they would fire on her from the fort. I then told the officer, if they fired from the fort, to go on shore to the fort, and let them know it was my orders for her to move and anchor near us; and that the men should be delivered to justice; and if he fired again, I should be obliged to return it. They continued their fire. I then ordered a spring on our cable, and went ashore, to the fort, to let them know the consequence of their behavior. I found no other officer

"than the Gunner, governed by a tumultuous mob, who said they had orders to fire, and they would fire. They used me with great insolence, and knocked me down, and would have detained me. I then returned to the boat, ordered the ship to prepare for action, and proceeded on board the schooner, and brought her to anchor near the ship; they then ceased firing.

"I then went on shore, to demand justice of the Deputy-governor for the treatment I had received at the fort. He replied I must pursue the law. I told him I would redress myself, if there were to be found, as he seemed not active to do me justice. I then returned to take the people off who had insulted me, but could not find them."

"The account from which the above is copied, appears to be in Captain Smith's hand-writing, but not signed by Lieutenant Hugh Bachie, of the *Squirrel*, as I imagine, from forgetfulness. "COLVILL."

In June, 1765, Daniel Jenckes presented a Petition to the Assembly, representing that he, with Messrs. Nathan Angell, Nicholas and Daniel Tillinghast, and John Jenckes, were owners of the sloop *Kinnicut* and her cargo, which was taken by a Spanish privateer belonging to the island of Trinidad, in the West Indies, since the cessation of hostilities between Great Britain and Spain, and carried to said island of Trinidad, and there condemned as a lawful prize; that they had made application to the Courts of Great Britain and Spain, for restitution of their vessel and cargo, and had received an Order from the King of Spain, directed to the Governor of Trinidad, commanding him to make full satisfaction for the vessel and cargo, without any deduction. The owners of the vessel now desired the Governor to grant them such a Commission as would enable them to send to Trinidad and demand satisfaction for their property, agreeably to the King of Spain's mandate for that purpose. The Petition of Mr. Jenckes and his associates was readily granted; and the Governor was empowered to commission a vessel with such persons as the owners deemed necessary to enable them to proceed with safety to Trinidad, in order to demand restitution of their property and satisfaction for their losses.

It would appear that the Colonists had met with other losses of a similar nature, as the Governor was requested by the General Assembly to issue a Proclamation desiring all persons in the Colony who had "sustained damage at or upon the islands in the West Indies, called the 'Turk's Island,' to bring in their respective accounts of the same, in order that they might be transmitted to Jamaica, for relief.

Another affair growing out of privateering, then, and for many years before, so extensively practiced in the Colonies, was brought to the attention of the Colonial Government in a letter from the Earl of Halifax to the Governor. The writer transmitted a letter from Guerchy, the French Ambassador in London, wherein he charged that a French ship, called the *Claude Marie*, which sailed from the Island of Martinique, on the tenth of November, 1741 (twenty-four years before) bound for the coast of Spain, was attacked and taken by a privateer belonging to Rhode Island, the Captain of which, he asserted, "used all kinds of violence to oblige him to declare that his vessel belonged to the Spaniards, with whom England was then at war." The vessel was then taken to Charleston, in South Carolina, where she was condemned, or, as the Ambassador writes, "the cargo was stolen." The owner having learned that the privateer was owned in Rhode Island, proceeded there; laid his complaint before the Governor and Council, who, "after a long discussion, awarded him the expense and damage which he demanded," and which he offered to prove by papers in his possession. The War between Great Britain and France breaking out before the claimant had obtained the satisfaction sought for, the matter had remained unadjusted to this time. Such was the statement made by the French Minister, through the Earl of Halifax.

His Lordship now requested Governor Ward "to make immediate inquiry into the circumstance alleged in His Excellency's letter and transmit to him the fullest information thereupon; also to give the agents of Sieur Maginel, the owner of the vessel and cargo, every facility in his power towards obtaining the justice which, upon inquiry and examination, might appear due to them."

The following is an extract from Governor Ward's dispatch of the sixth of November, 1765, in reference to this matter:

"I had the honor of His Majesty's commands of the 8th of July last, transmitted to me by the Right Honorable the Earl of Halifax, directing the Governor and Company of this Colony to make immediate inquiry into the circumstances of an affair in which the Sieur Maginel, of Dunkirk, was concerned, as alleged in a letter from His Excellency, the French Ambassador, a copy of which I received with My Lord Halifax's letter, in obedience to which, a Committee was appointed by the Government, to examine into that affair; who reported that they have carefully and diligently searched the records of the several Courts of Justice in the Colony, and the Register of the Court of Admiralty, and can find not the least account of the matters mentioned in His Ex-

"cellency's letter. But I shall immediately order further inquiry to be made, and shall immediately transmit to Your Excellency an account of what I may discover of this matter; and upon application of the agents or representatives of the *Sieur Maginel*, shall give them every facility in my power for their obtaining that justice which, upon inquiry, shall appear to be due to them.

"I have the honor to be,

"With great truth and regard, Sir, etc.,

"SAM. WARD

"To the Right Honorable HENRY SEYMOUR
"CONWAY."

XXVII.

THE TROUBLES IN NEWPORT IN 1765. BURNING OF THE BOAT OF THE KING'S SHIP "MAIDSTONE." GOVERNOR WARD'S CORRESPONDENCE ON THE SUBJECT. RIOTS IN NEWPORT, GROWING OUT OF THE STAMP ACT. THE CUSTOM HOUSE OFFICERS FLY TO THE GOVERNMENT SHIP "CYGNET" FOR SAFETY.

In the year 1765, his Majesty's ship, the *Maidstone*, being stationed in Newport harbor, for the purpose of protecting the revenue, her officers gave great offence to the Colonists, and particularly to those whose avocations required them to go on the water, by stopping and overhauling every vessel that entered or departed from the harbor. Even the fishing and wood-boats were stopped, and seamen taken from them. To such a height was this carried that the people of Newport would bear it no longer. On an occasion when a boat belonging to the *Maidstone* came ashore, she was seized by a mob, dragged through the streets, to the Common, and there publicly burned.

At this time, several of the inhabitants were impressed or detained on board the *Maidstone*, for whose release Governor Ward made application, through the High Sheriff, to the commanding officer, Captain Antrobus. This officer not being on board when the Sheriff visited the ship, the Lieutenant in command refused to deliver them. In his letter referred to, the Governor says that the burning of the *Maidstone's* boat had given him the greatest uneasiness; and that he should use his "utmost endeavors to prevent any such violent and scandalous measures from taking place for the future, as well as to bring all who have lately behaved in that illegal manner, to condign punishment." He further promised his protection to the officers and men of the *Maidstone*, whenever they might come on shore, "they behaving themselves peaceably, and conforming to the laws of the Colony."

Several letters had passed between Governor

Ward and Captain Antrobus. In one of these, the latter complains that the Governor's letters to Lieutenant Baines was "in a style to which he was a stranger." To this Governor Ward replied as follows:

"NEWPORT, 12th July, 1765.

"Sir: * * * In answer to your letter, I must observe, Sir, that if proper regard had been paid to the letter I sent to Mr. Baines, there would have been no occasion of addressing you in a different manner. But the men whose discharge I requested, were detained several weeks; many others, in the meantime, impressed; the very fishing-boats, which daily supplied the town, were fired at, and interrupted so much in their fishing that some of them dared not go out of the harbor; and the town, if these measures had been continued, would very soon have greatly suffered; nay, to such an extravagant height of imprudence and insolence had your people arrived, as to enter on board a wood-boat (upon the King's birth-day; the very day upon which you affect to lay so great a stress,) having only two men in her, and to take one of them out, and even to follow the vessel to the wharf. This encouraged the populace, and was the immediate occasion of the riot, which ended in burning the *Maidstone's* boat.

"These things gave a general uneasiness to the inhabitants, who not only saw the great disadvantages they must suffer in their trade and commerce, but were also apprehensive that the supplies which came to the town, by water (without which they cannot subsist,) would be so much obstructed as greatly to enhance the price of the necessaries of life. And upon my return from the country, my house was filled with people, who came to enter their complaints; and as the office I have the honor to sustain makes it my indispensable duty to promote the welfare of his Majesty's subjects under my government, I was sensibly affected with their distresses, and immediately applied to you upon the subject, in a manner which appears to me the most proper and legal.

"And here, Sir, I must observe that the impressing of Englishmen is, in my opinion, an arbitrary action, contrary to law, inconsistent with liberty, and to be justified only by very urgent necessity.

"But as the ship under your command lay moored in the harbor of an English Colony, always ready to afford you all assistance necessary for his Majesty's service, I could not conceive any possible reason sufficient to justify the severe and rigorous impress carried on by your people in this port.

"You assert that while your ship is afloat, the

"civil authority of this Colony does not extend to and cannot operate within her.

"But I must be of opinion, Sir, that while she lies in the body of a County, as she then did, and still does, within the body of the County of Newport, all her officers and men are within the jurisdiction of this Colony, and ought to conform themselves to the laws thereof and while I have the honor to be in the administration, I shall endeavor to assert and maintain the liberties and privileges of his Majesty's subjects and the honor, dignity and jurisdiction of the Colony.

"These, Sir, are my sentiments upon this subject, and occasioned my addressing you in the manner I did. But as the men whose discharge I was anxious to have been dismissed, and no further complaints have been made me on that head, I am content to drop the dispute; and hope that, for the future, there may be no occasion for renewing it.

"My sentiments with regard to burning the boat belonging to the *Maidstone* you are so well acquainted with, that I have only to add upon that head, that when Mr. Jenkins, with some of the men, waited on me, with your last letter on that subject, I directed the Sheriff to attend them to the Chief-justice of the County, who has taken cognizance of the affair, that justice may be duly administered. But, in justice to this town, I must observe that, by the best information I can get, no person of the least note was concerned in the riot; the persons who committed the crime consisting altogether of the dregs of the people and a number of boys and negroes.

"The polite manner in which you mention the civil authority, in several parts of your letter, and your readiness to attend to any measures for the welfare of the King's subjects, consistent with your duty, pointed out to you by the Governors of the Colonies, I am obliged to you for; and, in return, do assure you that I shall ever be fond of showing you and all the King's officers in the Colony, all proper respect and regard; and should it, at any time, be in my power to render you or them any acceptable service or pleasure, I shall embrace the opportunity of doing it with the greatest satisfaction.

"I am, with great regard, Sir, &c., &c.,

"SAMUEL WARD.

"To CHARLES ANTROBUS, Esq."

Prominent in Rhode Island history, at this time, were the events growing out of the passage of the famous Stamp Act; but as they do not appertain to naval affairs, and are fully stated in the histories of the period, they are omitted here. It is necessary, however, to remark that the bold

and open resistance of the Colony to the Stamp Act, and the riots which grew out of its enforcement, led to the sending of more armed vessels to the waters of the Narragansett Bay. The *Cygnat*, Captain Leslie, lay at Newport, at the time, and furnished protection to Messrs. John Robinson, the Collector, John Nichol, Comptroller, and Nicholas Lechmere, Searcher, who had been compelled to close his Majesty's Custom-house and flee for their lives. From the *Cygnat*, they addressed a letter to Governor Ward, calling upon him for protection, without which they could not again open the Custom-house. In the absence of the Governor, their letter was replied to by Gideon Wanton, Jr., who states that "the fury of the populace hath entirely subsided, and the minds of the people quieted; so that there is not the least danger or apprehension of any further riotous proceedings." He farther urges them to return and attend to their business, promising them all the protection in his power. Their absence, he adds, "has put an entire stop to the trade and commerce of the Colony, which will be attended with most pernicious consequences." On the return of Governor Ward, he reiterated what Mr. Wanton had stated, assuring the gentlemen that the town was tranquil, and that his protection might be relied upon.

XXVIII.

THE CASE OF PRIZE VESSELS BROUGHT TO NEWPORT, SUBMITTED TO ADMIRALTY COURTS IN NOVA SCOTIA. THE COLLECTOR FEARS TO RETURN TO NEWPORT. CORRESPONDENCE BETWEEN CAPTAIN LESLIE OF THE "CYGNAT," AND GOVERNOR WARD. THE BRITISH OFFICERS FEAR A NEWPORT MOB. AFFAIR OF THE SLOOP "NELLY" OF PROVIDENCE. COMPLAINT TO HIS MAJESTY, OF PROCEEDINGS OF THE COURT OF ADMIRALTY, IN PROVIDENCE. COLLECTOR ROBINSON'S LETTER TO THE GENERAL ASSEMBLY.

Another grievance of the people of Newport was that a prize vessel, brought to Newport, laden with molasses, had been taken and held by the British armed ship, the *Cygnat*, awaiting the determination of the prosecution against her, at Halifax, Nova Scotia, instead of submitting the case to a Vice Admiralty Court, in Rhode Island. It had come to the ears of the officers of the Customs, detained on board the *Cygnat*, that a mob, in Newport, headed by Samuel Crandall, demanded the release of the prize-sloop with her cargo, together with several scows which had also been seized; and that Crandall farther demanded that the officers of the Customs should receive their fees as settled by an Act of the General Assembly, in defiance of the Act lately

passed by Parliament. Mr. Robinson and his associates, in reply to the Governor, after stating to him "the infamous terms presumptuously proposed by Crandall," say that they "cannot attend to the exercise of their respective functions, whatever inconvenience it may be to trade," until he has appointed a guard to the Custom-house, and support them in the execution of their duty. They then call upon him to take up and arrest the offender, that he may be punished as the law directs.

Governor Ward replies to Collector Robinson and informs him that he has seen Mr. Crandall, who assures him that he has not the least intention of raising a disturbance or riot; but that "Mr. Robinson has personally used him" [*Orandall*] "ill, and that he shall insist upon proper satisfaction." The Governor again urges the Collector and his officers to return and enter upon his duties, as the town is suffering greatly by having the Custom-house closed.

On the same day that the Governor wrote the foregoing to Mr. Robinson, he received the following letter from Captain Leslie of the *Cygnat*:

"SIR: As I find you are arrived in town, I think it necessary to acquaint you there have been several reports brought to me of the mob having frequently threatened the taking forcibly away the sloop which is now under the protection of the *Cygnat*; and I have great reason to believe the truth of such a report, from a demand having been made of the same, by one Crandall, who, I am informed, is a principal person in the mob, as part of the conditions of the Collector's coming on shore and remaining in safety; and that their plan is to be thus:

"To man and arm a number of boats or vessels, and possess themselves of the fort; and, in case they find a resistance on my part, when such boats or vessels are endeavoring to take away the said sloop (which will certainly be the case, when we discover any such attempt being made,) that then the guns at the fort are to be fired at His Majesty's ship under my command.

"This, I own, appears very surprising; but from the repetition of the report, and what happened, last year, to His Majesty's schooner *St. John*, I must own I think the madness of the mob may carry them to such lengths, without the interposition of the Government authority.

"Should their frenzy bring them to such a height, I am determined to return it, immediately, from His Majesty's ship, without sending to the fort to know any reason or ask any question. The Governor will reflect what consequences may arise not only from the damage

"the town may receive from the shot which may pass over the fort into it; but what may hereafter happen on such an enormous thing being committed in a British Colony. Thus far, Sir, I think is the duty I owe to His Majesty's service, to make you acquainted with.

"I am, Sir, &c., &c.,

"CHARLES LESLIE.

"Dated on board the *Cygnat*, Rhode Island harbor, Sunday, Sep'r 1st, 1765.

"To SAMUEL WARD, Esq."

[*The Governor of Rhode Island to Captain Leslie.*]

"NEWPORT, 2d September, 1765.

"SIR: I am now to acknowledge the receipt of your letter of yesterday; though I must confess I am much at a loss what answer to make to it.

"The reports carried on board the *Cygnat* are so idle, and the plan said to be formed for obtaining the sloop so chimerical, that nothing but the regard due to you, induces me to take the least notice of them; and you may depend upon it, Sir, that there is not the least foundation for them.

"Should any person be so weak or wicked as to attempt the taking His Majesty's fort into their possession, I shall take proper measures to prevent it, and to bring the offenders to justice; and the duty I owe my Sovereign will induce me, at all times, to use my utmost endeavors to prevent any differences from arising between the inhabitants of this Colony and any officers or men of His Majesty's ships, under your command, on this station.

"I am, Sir, &c., &c.,

"S. WARD.

"To CHARLES LESLIE, Esq.

[*Captain Leslie to the Governor of Rhode Island.*]

"SIR: I have yours, acknowledging the receipt of my letter, in which you declare yourself at a loss what answer to make me; and that the reports carried on the board the *Cygnat* are so idle, and the plan said to be formed for obtaining the sloop so chimerical, that nothing but the regard you please to express for me, would induce you to take any notice of it; and assuring me, 'that there is not the least foundation for the whole,' and that you 'will take all proper measures in respect to any attempts on the fort.'

"In answer to all which, I must acquaint you, that idle as you may look on these reports to be, they are well-founded, and were frequently repeated by some of the principal people in the town, to me; and, whenever it becomes necessary, it can be proved, notwithstanding

"the contempt and disbelief with which your answer treats my letter; for I cannot look on it in any other light; and as to whether you had taken any notice of it or not, it would have given me no pain. I thought it incumbent on me to make you acquainted with such circumstances which induced me to do it.

"I am, Sir, &c., &c.,

"CHA. LESLIE.

"'CYGNET,' RHODE ISLAND HARBOR,
Sept. 3d, 1765.

"To SAMUEL WARD. Esq."

A determination to resist the law and the authorities of the Government was apparent in Providence as well as in Newport. The high duties were one grievance; the transfer of Cases of prize vessels to the Admiralty Courts of other Colonies, was another. Indeed, if an opinion is to be formed from the results of Cases in the Courts of the Colony, where the Government was the Prosecutor, it is not surprising that they were taken elsewhere. Trials were postponed when it suited the Defendants, or were called at so short a notice that witnesses could not be procured. The Government could scarcely find proof sufficient to convict parties charged with smuggling; and every obstacle seems to have been placed in the way of the Government. The following extract is from a complaint made by the Collector and Comptroller of the Customs to Her Majesty's Government, dated June, 1765. The Lords Commissioners of the Treasury, after considering it, caused a copy to be transmitted to the Governor of Rhode Island, requesting him "immediately to make the most strict and diligent inquiry into the matter complained of in the letter," and inform them the state of the facts therein mentioned, that their Lordships may be thoroughly acquainted with the circumstances of this affair, and be enabled to take such measures as may prevent the like proceedings in future.

[*Copy of the Collector's and Comptroller's letter.*]

"In our letter of 9th of April, we acquainted Your Honor that the brigantine *Wainscott*, and sloop *Nelly*, (mentioned in our letter of 1st March, to have been seized at Providence,) had been acquitted for want of proof; though it was notorious that they had run cargoes of molasses.

"We think ourselves indispensably obliged to represent to Your Honor the conduct of Mr. Andrews, the Judge, and Mr. Honyman, the Advocate, at the Court of Admiralty, upon this occasion. Being sensible of the difficulty of procuring evidence, from the want of Government to countenance our proceedings and the general combination of the people

"against us, we directed the Advocate to draw up proper interrogatories and obtain a proper order for examining of witnesses upon such interrogatories, (previous to the trial), agreeably to the practice at Boston, as it would be to no purpose to rely on any witnesses appearing on the trial, which promised he would do. But, instead of paying any regard thereto, we were, about a fortnight after, informed that the Case was to be tried in three days after, at Providence, about thirty-five miles off; being that that place was more convenient to the owners of the vessels than here, at the Capital, though inconvenient to us, to the last degree.

"We therefore desired the Advocate to get the Case adjourned for at least a fortnight, as we could not, on so short a notice, procure evidence. The Advocate attended there, and moved for an adjournment accordingly, which the Judge refused to grant; but, by reason that the Register and Marshal of the Court did not attend, the Judge was under a necessity, on that account, to put off the trial for a week, and of which we had only two or three days' notice, which was still too short to enable us to get witnesses.

"However, we attempted to summon several witnesses, but they had absconded; so that what we meant to avoid, (by having the witnesses examined on interrogatories) actually happened; for we could not produce one evidence on the trial; the Advocate himself refused to attend the trial; and Mr. Nicoll, the Comptroller, was obliged to leave his business at the office, to attend at Providence, where the Judge thought proper to hold his Court, though manifestly to the prejudice of the King's service, by the difficulty and inconvenience we were put to in procuring witnesses and in attending there.

"These two gentlemen are natives of this place; and their connections with this people are such, that it influences them to a disregard of the King's service, which they have upon difficult occasions shown by favoring the merchants to the prejudice of the Crown."

[*Report of a Committee of the General Assembly, on the above letter.*]

"We, the subscribers, being appointed a Committee at the last General Assembly, to examine the complaint made by the Collector and Comptroller in this Colony to the Commissioners of Customs in Great Britain, against the Judge of the Court of Vice Admiralty and the King's Advocate in this Colony, do report:

"That this day we met according to appoint-

"ment, and, after duly notifying the Collector and Comptroller, (who could not attend,) made due inquiries into the premises, and are of opinion that there is not the slightest ground or foundation for such complaint.

"All which is submitted by

"JOSEPH HAZARD,
"ROBERT HULL,
"JOSEPH CLARKE.

"NEWPORT, October 23, 1767."

Letter from John Robinson to the Committee appointed by the General Assembly of Rhode Island, relative to a complaint made by the Collector and Comptroller of the Customs, &c.

"CUSTOM HOUSE RHODE ISLAND, }
"23d October, 1767. 1 o'clock. }

"GENTLEMEN:—Your notification to attend at the hour of two o'clock this afternoon, has been this instant served upon me; and this is the first information that I have had of your appointment as a Committee, instead of the gentlemen formerly entrusted to enquire into the conduct of the Judge and Advocate of the Admiralty.

"If you mean that I should attend an oral inquiry, and enter into a verbal discussion of the affair, I must beg leave to decline attending you; but if the gentlemen are to exhibit their defence in writing, I shall, (having proper time allowed me) very readily peruse it, and reply to it, also in writing, so as to illustrate and ascertain any matter that you shall think necessary.

"When I tell you, Gentlemen, that Mr. Andrews, instead of standing by the test of inquiry prescribed by His Majesty's Ministers, has not only prosecuted and recovered against the Comptroller and myself, at law, for the representation we made to the Commissioners of the Customs, in the discharge of our duty; but has, also, with a view (as every person must reasonably suppose,) of stifling this inquiry, lately commenced an action against myself for writing a letter to Gov. Ward, in justification of our complaint.

"I am sure, Gentlemen, you will think this caution both necessary and proper. If a just and impartial report in this affair is transmitted home, it will give me great satisfaction; and especially as the inquiry has so long lain dormant, notwithstanding our repeated solicitation to the late Governor and the former Committee to have the same carried into effect. But it is my expectation that you will previously summon Elisha Brown of Providence, and Joseph G. Wanton of Newport, Esqrs., and examine them on oath touching the con-

duct of the Judge and Advocate, respecting the brigantine *Wainscott*.

"I am, Gentlemen, &c., &c.,

"JOHN ROBINSON.

"To JOSEPH HAZARD and others."

SUPPLEMENT.

[The following Chapter of this History was not among the "copy" originally furnished by the distinguished author to us; and it does not, therefore, appear in its place—a Chapter, in manuscript, (Chapter V. of our series) having been substituted. This having since been found, it is inserted here, in order that it may be preserved for the use of those who shall, hereafter, desire to use the important material contained in this series of papers.—EDITOR.]

A DUTCH VESSEL, THE "GERTRUDE," TAKEN AND CONDEMNED. FRANCE DECLARES WAR AGAINST GREAT BRITAIN. THE DUKE OF NEWCASTLE'S LETTER. CONGRESS AT ALBANY. THE COLONY'S WAR SLOOP "TARTAR." FORCES RAISED FOR AN EXPEDITION TO CAPE BRETON. SIEGE OF LOUISBURG. CALL ON RHODE ISLAND FOR SEAMEN.

Among the prizes brought in and condemned by the Court of Vice Admiralty, at Newport, in the year 1743, was the Dutch bark *Gertrude*, Captain Baal. A complaint against this condemnation was made by the Minister of the State's General, when the subject was referred to a Committee of the General Assembly. Upon examination of the case, it appeared that this vessel was taken by three English privateers, commanded by Robert Flowers, John Rows and William Wilkinson; and that she was condemned and divided among her captors, which the Dutch Minister declared to be at variance with the Treaties subsisting between his Majesty and the States. Governor Greene accordingly wrote to the Duke of Newcastle, then Secretary of State, transmitting a copy of the Decree by which the *Gertrude* was condemned. In writing to the Minister, Governor Greene took occasion to deny the right of the Government to question the decision of the Court. "Besides the Decree I am unable," says the Governor, "to give your Grace any further account, but humbly hope that, as this Court, which has the sole cognizance of prizes, is wholly independent of any authority in this Colony; that the Governor and Company will never be thought liable to censure on account of any judgment, in that Court, that may be thought owing to the mistakes or passions of an ignorant or indignant person that, without their consent or knowledge, may be deputed to judge and determine, singly, in matters of such high and public concernment."

In 1714, France declared War against England, while the latter was still involved in War with Spain. This great and eventful war was more important for the American Colonies than

any that had occurred since they were founded, inasmuch as it was the first of a series of Wars which finally resulted, fifteen years later, in the downfall of the great French empire in North America. The announcement of this event was made known to the Colony in the following letter from the Duke of Newcastle:

"WHITEHALL, March 31st, 1744.

"SIR:—The French King having declared "War against his Majesty, (as you will see by the "enclosed copy of his Declaration, for that purpose, which is full of the grossest and most indecent misrepresentations and reflections upon "his Majesty's conduct,) I am to acquaint you, "by his Majesty's command, that, on Thursday "last, the 29th instant, a great Council was held "at St. James's, where his Majesty approved, "and has since signed, a Declaration of War "against the French King, and ordered that the "same should be published on this day, by the "Heralds-at-arms, in the usual places and with "the accustomed formalities, on the like occasions; which has been done, accordingly.

"I send you, enclosed, a printed copy of the "said Declaration, and am commanded to signify to you His Majesty's pleasure, that you cause it to be proclaimed in the Colony under "your Government, that His Majesty's subjects "having this notice, may take care to prevent "any mischief which, otherwise, they might "suffer from the enemy, and do their duty, in "their several stations, to distress and annoy "the subjects of the French King.

"And His Majesty would have you be very "rigorous and severe in preventing any ammunition or stores of any kind from being carried "to them; and you are to use all proper "methods that may be most effectual for that purpose.

"I send you, enclosed, His Majesty's Proclamation for the distribution of prizes taken by "His Majesty's ships of war, or privateers, "which, you will take care may be published in "the Colony under your government; and you "will do everything in your power to encourage "His Majesty's subjects to fit out ships to act as "privateers against the enemy; and you will, "upon the receipt of this letter, take all opportunities, as far as depends upon you, to distress and annoy the French, in their settlements, "trade, and commerce.

"I am, Sir, your most obedient humble servant,

"NEWCASTLE.

"To the Governor of Rhode Island."

Vigorous measures were at once adopted by the General Assembly, to place the Colony in a proper position of defence. The battery of Fort George, at Newport, was enlarged, and more cannon mounted. Eighty barrels of gun-

powder, with other ammunition, were purchased. Guns and ammunition were sent to Block Island. The war-sloop *Tartar* was placed in command of Captain Daniel Fones, with ninety men; again fitted out; and sent on a cruise; and, as there was a deficiency, in the Colony, of cannon and military stores, the Governor was requested, by a vote of the Assembly, to petition the King for a supply of these necessaries. At the same time, the subjects of the French King, then in Newport, were permitted, if they desired, to remove to Providence, there to remain on parole and await orders from the Governor or the Assembly.

Prompt as the New England Colonies were on receiving the news of the Declaration of War, the French Colonies received it first; and, before any steps could be taken for the offensive or defensive, French privateers were scouring the coast of New England and greatly harassing its commerce. The fisheries, too, suffered greatly and were nearly destroyed. Fearing the French might secure the Six Nations of Indians on their side, a Congress of the Northern English Colonies met at Albany, on the twelfth of June, of the same year, to enter into an agreement with these Indians and with one another, for their mutual assistance and for carrying on the War in the most effectual manner. By the request of Massachusetts, Rhode Island sent Commissioners to this Congress.

In February, 1745, the Colony war-sloop *Tartar* was ordered to be fitted out, in order to join the forces of Massachusetts Bay in an expedition against Cape Breton. She was manned with one hundred and thirty men; provisioned for four months; and placed under the orders of the Commander of the expedition or of the Council of War, till the first of June, or longer if the occasion required. For defraying the expenses of the expedition bills of credit for two thousand five hundred pounds were issued. An embargo was, at the same time, laid upon all vessels bound to sea. The next month, three companies of soldiers, of fifty men each, were ordered to be raised to accompany the expedition; and, it being then found that the amount appropriated was quite inadequate to defray the expenses of manning the Colony's sloop, it was augmented to six thousand two hundred and fifty pounds, in bills of credit of the new tenor. This issue of paper money was to be redeemed by a tax to be levied in the years 1748 to 1751, one quarter in each year.

While these plans were being enacted, urgent letters were received by Governor Greene from Governor Shirley of Massachusetts, calling upon the Colony to provide a regiment of five hundred men for the contemplated expedition to Cape Breton, to be paid for by that Province. The

Assembly thereupon passed an Act empowering Godfrey Malbone to raise three hundred and fifty men, and to allow each one enlisting a bounty of forty shillings, in addition to what was allowed by Massachusetts. These troops were to be attached to the Connecticut Regiment. The command of the expedition was given to William Pepperell, of Maine, who was afterwards knighted for the success which attended it.

Two months later (May, 1745) a representation was made to the General Assembly that the town of Louisburg, on the Island of Cape Breton, was, at that time, besieged by the New England forces, and that reinforcements were required. An Act was accordingly passed to raise three Companies of soldiers, of fifty men each, exclusive of officers, and in case a sufficient number of volunteers could not be obtained, power was given to the Governor to impress sufficient to make up that number. The officers of these Companies were—of the First, Richard Mumford, Captain; Edward Cole, First Lieutenant; Lemuel Hall, Second Lieutenant; of the Second—Benjamin Potter, Captain; Richard Smith, First Lieutenant; Richard Hoyle, Second Lieutenant; of the Third—Joshua Champlin, Captain; Samuel Eldred, First Lieutenant; Jeffrey Champlin, Second Lieutenant. Captain Jonathan Nichols and George Wanton were appointed a Committee to procure transports for the troops raised. To defray the expenses of enlisting and paying these troops, three thousand, seven hundred, and fifty pounds, in bills of new tenor, were ordered to be issued, redeemable in 1750, '51 and '52. It was further ordered that the Rhode Island troops should join the Connecticut Regiment; and that Lieutenant-general Wolcott should be apprised thereof. The other New England Colonies each sent one armed vessel on the expedition. Connecticut furnished five hundred troops; New Hampshire and Rhode Island three hundred each. New York, New Jersey, and Pennsylvania furnished no men, but voted small supplies of money. Full instructions were issued by Massachusetts, by which Canso was fixed upon as the place of rendezvous. The Connecticut troops were the first to arrive.

The Rhode Island war-sloop *Tartar*, which, in company with the Connecticut vessel, was conveying the transports, fell in with the French frigate *Renommé*, of thirty-six guns, which attacked her, and which inflicted some injury upon the *Tartar*.

The French ship was in charge of dispatches from France; and, fortunately for the Colonial sloops, which she easily outsailed, after making two or three attempts to enter the harbor, hastened on her voyage back to France, to report what she had seen, and thereby permitted the trans-

sports to escape. The fleet of Commodore Warren, with a portion of the West India squadron, joined the New England vessels at Canso; and, two days after, the *Tartar*, with the Connecticut transports, arrived.

As soon as the weather permitted, the fleet sailed for Louisburg, and commenced operations. The forces landed at Chapeaurouge Bay on the thirtieth of April. The outworks were soon abandoned by the French; but the English were obliged to transport their heavy cannon two miles through a morass, by their own strength, before they could bring them to bear on the town. A constant fire was kept up on them, the mean while, without doing much harm. While the siege was going on, the *Vigilant*, a French frigate of sixty-four guns, with five hundred and sixty men on board, and stores of all sorts, for the garrison, arrived in the harbor, where she met the *Mermaid*, an English ship, which she attacked. The latter suffered herself to be chased until he drew the Frenchman towards the English fleet, when, finding her escape cut off, she surrendered.

The *Vigilant* was a most important accession to the English; but they had no sailors to man her. Calls were therefore made by Governor Shirley upon Rhode Island for seamen. The following is his letter:

"BOSTON, June 5, 1745.

"SIR:—I have herewith enclosed two Proclamations, which I have just now issued on occasion of the expedition against Cape Breton, with an extract of my letter from Commodore Warren, and a vote of the General Court, here, for encouraging the enlistment of seamen for manning the ship *Vigilant*, prize, by which you will know what want there is, both of soldiers and seamen, for this service.

"As to the first, I have already written fully to your Honor thereon; and you will likewise know what encouragement this Government has offered for both. I am persuaded your Colony can furnish a good number of seamen, and must, therefore, desire that you would use your best endeavors for providing as many as can be had in your Colony, and that as soon as may be.

"I am, Sir, Your Honor's ob't, humble servant,

"W. SHIRLEY

"To the Hon'ble Governor WARTON."

[Enclosure.]

"In the House of Representatives, June 1, 1745.

"Voted, That his Excellency, the Captain General, be desired, as soon as may be, to cause to be impressed such seamen as are foreigners, belonging to all inward-bound vessels (coasting and provision vessels coming

"from the northward of South Carolina, on the Continent, excepted,) in order for manning the *Vigilant*, a ship of war, lately taken by the Hon'ble Commodore Warren, from the French; and there be allowed and paid out of the public treasury the sum of £3 to every other able-bodied man that shall voluntarily enlist himself into His Majesty's service, for the manning the said ship *Vigilant*, to make up, in the whole, with those impressed, the number of three hundred men."

[NOTE.]

In the short Note, at the head of this Supplement—Page 350—it is said that "a Chapter, in manuscript (Chapter V. of our series)" had been substituted for one which was not found in the Author's copy of the series. It should have been noted as "Chapter XV. of our series;" and the reader is respectfully requested to note and correct the error.—EDITOR.

[THE END.]

IV.—LAST LETTER OF GENERAL LAFAYETTE, AS AN AMERICAN OFFICER.

FROM THE ORIGINAL, IN THE COLLECTION OF COLONEL T. BAILEY MYERS.

ON BOARD THE "ALLIANCE" December 22^d 1781.

I could not think of going, my dear George,* before I had send you the last assurance of my sincere affection. My best wishes attend you wherever you may be during this winter. I anticipate the pleasure to see you again with me, and Hope the family will be reunited lately in the Campaign. Be so kind, my dear Washington, to forward the enclosed letters, and to send them by some good opportunities.— You will greatly oblige me, my dear friend, to get copies of my letters to the General as you know I never kept any, and when I grow old I will find great satisfaction in reading over our Correspondence during last Campaign. There is another thing that would give me great pleasure—the General has several Orderly Books from the beginning of the War, and there are orderly Books of mine in the Light Infantry of the two last Campaigns which I would like to have copied by some Sergeant that writes a fair Hand and Bound up in Books in the same way as those of the General

* Who is the "George Washington" to whom this letter (of unquestionable authority) is addressed. He was apparently a member of the military family of Washington, perhaps of Lafayette; and may have had a third 'nomen.' The letter, a three-page quarto, in indifferent condition, is written in a bold flowing hand, differing from the cramped appearance of Lafayette's later letters, in English, and shows signs of haste and the bustle of departure. Lafayette was present at the surrender at Yorktown, on the nineteenth of October, about two months before the letter was written. Can any of your readers tell to whom the letter is addressed and also whether it is Mrs. Carter or Custis to whom he refers?—T. B. M.

are—if that does not give you too much trouble I will obliged to you to have the Business done by some Non Commissioned Officer that can write well

In your letter to your family, I beg you will mention me most affectionately to them. Your father and mother Mrs. Ball and the Colonel Mrs Lear's, Mrs Custis [*or Carter*] and the Generals mother. My best Compliments to Til-mangh, Smith Meade & all the family. Adieu my dear friend

Most affectionately Yours

LAFAYETTE

If Mrs Carter is still in Philadelphia present my best respects to her.

V.—WILLIAM BLACKSTONE.

NOTES ON HIS HISTORY, RESIDENCE IN BOSTON, AND DESCENDANTS,

BY THE LATE L. M. SARGENT, Esq., OF BOSTON.

I.*

Doctor Snow, in his *History of Boston*, Page 52, says: "Blackstone cultivated, with success, the six acres which he retained, and soon had a garden plat and an orchard, near his cottage and spring. These we take to have been situated in the neighborhood of the present Alms-house."

Snow published in 1825; and, in May of that year, the Alms-house, in Leverett-street, to which he refers, was taken down. In this surmise, as to the location of the garden-plat and orchard, cottage and spring, Doctor Snow was certainly mistaken.

Mr. Drake, in a note, on Page 97, of his valuable history, with commendable discretion, instead of following Snow, observes—"this point is easier located than his house or his spring."

We ask the reader to go along with us, step by step, in this investigation. Edward Johnson says—Ch. 17 of his *Wonder Working Providence*—"On the South side of the river, on a point of land, called Blaxton's Point, planted Mr. William Blaxton." But is it to be inferred, from this, that his house was on the very point? It is not denied, that the point laid down, on Bonner's and other ancient plans, as *Barton's Point*, was *Blaxton's Point*. Persons dwelling miles off from certain headlands or points, are often said to live on those points. Persons residing far from the extremity, are said to live on "East-ern Point," in Gloucester. Such examples are abundant.

With the assistance of my friend, N. I. Bowditch, Esquire, and Bonner's plan, of 1722,

* From *The [Boston] Evening Transcript*, of September 27, 1868.

Price's plan, of 1733, and a plan annexed to the first Boston Directory, of 1789, I think I shall be able to conduct the reader to Blackstone's *orchard and garden*. But, without one, at least, of these plans, before him, the task may not be so easy, for the reader. John Bonner's plan of 1722 was skilfully copied, in 1835, by Mr. George G. Smith, engraver, at the corner of Washington and Franklin-streets, where, I believe, impressions may be obtained, for a mere trifle.

In *The Suffolk Register*, Book 26, Page 84, will be found the deposition of Anne Pollard, aged eighty-nine. It was taken, December 26, 1711. Being eighty-nine, she was thirteen when Blackstone left Boston, in 1685. She states that he sold the *six acres*, by him reserved, out of the fifty, to Richard Pepys. The time of sale is not stated, and, probably, might have occurred at one of his subsequent visits to Boston—Blackstone came here, on a visit, in July, 1659, to marry the widow Sarah Stevenson.

Book 9, Page 325, exhibits the Deed of Peter Brackett and Mary, his wife, late widow of Nathaniel Williams, in consideration of natural love to Nathaniel Williams and Mary Viall, children of said Mary, by her first husband, conveying "all that messuage, with the barnes, "stables, *orchards, gardens, and also that six acres of land*, be it more or less, adjoining and "belonging to said messuage, called the *Blackstone lot*, being the same which were conveyed "to said Nathaniel, by Richard Pepys," &c.

So far the title stands thus—Boston to Blackstone, fifty acres, April 1, 1633. The following year, according to Odin's deposition—*Massachusetts Historical Collections*, xiv., 202—Blackstone to Boston, forty-four acres. At some time, unknown, according to Pollard's deposition, Blackstone to Pepys, the *six acres reserved*. January 30, 1655: Pepys to Williams, *the same six acres*. April 14, 1676: Mary Brackett, late widow of said Williams, by joint Deed of herself and second husband, to the two children of her first husband, *the same six acres*. Now where were these six acres—"the Blackstone lot?" Thus far, we have neither metes nor bounds; all which are happily supplied, by the conveyance of Nathaniel Williams (son of Mary Brackett, by her first husband) dated January 29, 1708-9, and recorded Book 24, Page 103. He conveys to Thomas Bannister:

"An *orchard* and pasture, containing *six acres*, "more or less, on *Northwest side of the Common* "with the flats; the uplands and flats being "bounded Northwest, by Charles River, or cove, "and in part on John Leveret and James Allen, "on whom also it abuts, on the Northeast; "bounded East, on James Allen, in part, and in "part on Bannister; *Southerly on the Common.*"

The italicising is mine, to fix the reader's attention to certain points.

I now ask the reader to look at Bonner's plan of 1722, bearing in mind, that Williams conveyed to Bannister the "*orchard and pasture six acres, 'more or less,'*" only fourteen years before. Now let us walk into Beacon-street, on Bonner's plan of 1722. It extended westward, only to the point of the present Mount Vernon-street, which then did not exist. Thence, in a more northerly direction, towards the present Charles-street, it took the name of "Davis's Lane." At the bottom of this lane, we come to a square lot, fenced in, and planted with trees, *orchard-wise*. Near, and Southwest of this, is a small plat, fenced in, not far from the water, marked "*garden*," on the plan of 1722; and due West of this is a little wharf. There is a small tenement on the Southeast corner of the "*Orchard*," and two within the enclosure, South of the "*Garden*." All around this lonely establishment, on Bonner's plan, is a wilderness—no other house—no other tree—save the great tree, on the Common, and the powder-house and watch-house, there. There are trees, all over town, on Bonner's plan—but nothing like this—nothing like an "*Orchard*." As to the "*Garden*," that is settled, for it is so laid down—and this is an *Orchard*; and the trees are placed, much after Pliny's rule, in *ordine quincunciali*. Whose *Garden* and *Orchard* are these?

Blackstone's residence, his *six-acre-lot*, his *Orchard*, his *Garden*, with which he was identified, by all who have written about him, were matters of interest, seventy-six years after he left Boston; and Anne Pollard's deposition was taken, only eleven years before the date of Bonner's plan. The *Orchard* clearly existed, in 1708, and is then called an "*Orchard*," in the conveyance to Bannister. An apple-orchard is a long liver. Governor Hopkins says of the orchard, planted by Blackstone, after his removal to Rhode Island, —*Massachusetts Historical Collections*, xix., 174—"Many of the trees, "which he planted, about one hundred and thirty "years ago, are still, 1765, pretty thrifty fruit-trees." Blackstone's *Orchard*, Pepy's *Orchard*, Williams's *Orchard*, Bannister's *Orchard*—being one and the same *Orchard*, on that *six-acre-lot*—must have existed, when Bonner's plan was published, in 1722.

Now for the bounds and bearings. The *Orchard* is described, in the Deed of 1708, as lying on the *Northwest side of the Common*. So does the *Orchard*, on Bonner's plan. The precise Northwest line of the Common, however, is not defined, on Bonner's plan; not a line, on that venerable plan, runs down to the water, from Roxbury to Barton's-point. But, on Price's plan of 1733, on which the *Orchard* still re-

mains, and on the plan of 1789, the land is evidently fenced in, and the little wharf, and the plat, marked "*Garden*," on Bonner's plan, are made to bound "*southerly on the Common*," precisely as the *six-acre-lot*, in the Deed to Bannister, bounds.

On the plan of 1789, Davis's lane is abolished; but the precise figure of the "*Garden*" and wharf are marked down, in *locis usdem*. The *six-acre-lot* is said, in the Deed to Bannister, to bound on Charles-river or a cove: so do the *Garden* and *Orchard*, and the adjoining land, on these plans; and so they did, before the creation of Charles-street and the filling up, in that neighborhood. What more natural than that Bonner should lay down, on his plan of 1722, Blackstone's *Orchard* and *Garden*, concerning which Mrs. Pollard's deposition had been taken a short time before? Bonner gives us those two trees which stood so long, near Bridewell—on what is now Park-street—the fortification, the windmills, the bowling-green, Coal's Garden, and other points of less interest than the spot where "*Blaxton planted*." If this be not Blaxton's *Orchard* and *Garden*, it is perfectly clear that another *Orchard* and another *Garden* arose, between 1708 and 1722, on the identical spot indicated by the boundaries, in the Deeds to Pepys, to Williams, and to Bannister, as *Blackstone's six acres*. If this be not *Blackstone's Orchard*, there is not the slightest vestige, on Bonner's plan, of that "*Orchard*," conveyed, as an *Orchard*, to Thomas Bannister, only fourteen years before. Look on Bonner's plan, gentle reader, and judge for thyself.

And now of the spring. Mr. Charles Shaw published his *History of Boston*, in 1817. On Page 108, referring to Blackstone's information, to Governor Winthrop, of an excellent spring, in Shawmut, Mr. Shaw observes: "*What spring Mr. Blaxton had respect to, in his invitation, we cannot say; it is probable, however, it was the spring now to be seen (1800) on the westerly part of the town, near the bay which divides Boston from Cambridge*." Mr. Drake—*History of Boston*, 97, Note—after saying, as we have already stated, that Blackstone's "*point is easier located than his house or his spring*," seems half inclined to think the latter might have been in Poplar-street, and remarks, that "*what Shaw says agrees very well with this*." The reader will mark, that Shaw speaks of a spring, "*at the westerly*" [not northwesterly] "*part of the town, near the bay which divides Cambridge*" [not Charlestown] "*from Boston*." Mr. Drake will readily perceive how much more applicable this description is to a spring, not very far up the hill from Charles-street, and, as nearly as I can recollect, between Chesnut and

Mount Vernon-streets. Mr. Henry Sargent contrived a single railway, as it was called. Two rails, elevated a number of feet and diverging from a point, on the hill, to the points below where the earth was to be discharged, were employed, during the process of lowering Beacon-hill. These rails were bestridden by large wooden panniers, or boxes, connected by a rope passing round a wheel, or truck, at the top. The full boxes, as they descended, brought up the empty ones. I was repeatedly present, witnessing this operation. I am not alone, in *possessing a distinct recollection of this spring*; and, on more than one occasion, well remember to have tasted its waters.

If we are correct, in our views of Blackstone's whereabouts, this spring must have been rather more convenient, for his occasions, than to have mounted Beacon-hill, and descended on the other side, with his biggin and dipper, as far as the present *locus in quo* of Poplar-street. There were also several springs, about the peninsula. Shaw, on Page 108, says—"In the early records of the town, mention is made of the *great spring* which discharged its waters into what is now called Spring-lane, leading from Cornhill to Devonshire-street." I believe the whereabouts of William Blaxton—whose name is thus spelt on the records of Emanuel College, Cambridge, and who graduated there A. B., 1617, and A. M., 1621, our pilgrim—I believe his whereabouts, on the peninsula, were, as indicated on Captain John Bonner's plan, of 1722, *not very far* from the bottom of the present Beacon-street. And I am satisfied that Mr. Daggett, in his *History of Attleborough*, Page 29, is entirely mistaken, when he says—"it is not certain, however, but probable, that the blood of Blackstone runs not in the veins of any human being." I find no good reason for doubting that there are five families of Blackstone, in Brandon, in the State of Connecticut, and four or five more, in the State of New York, all descendants of the Boston pilgrim. My present business is with his whereabouts. The reasons for this last opinion, in regard to his progeny, I shall not trouble you with, unless some of your readers should take sufficient interest in the matter, to request their publication.

—"si quid novisti, rectius istis,
Candidus imperti, si non, his utere mecum."
SICMA.

II.*

MORE ABOUT BLAXTON.

We cheerfully comply with the wishes of your correspondent, "D," in the *Transcript*, of October the first; and are pleased to find that

* From *The [Boston] Evening Transcript*, of October 7, 1858.

others take an interest in this worthy pilgrim's progress, and in his progeny. If the reader will go along with us, in good earnest, doubt I not he will arrive at the same conclusions with ourselves.

William Blackstone left Boston in 1635, and came here, again, to be married, in 1659. He was married to the widow Sarah Stevenson, by Governor John Endicott, on the fourth of July, of that year. So say the Town Records. She died about the middle of June, 1673, two years before her husband.—*Massachusetts Historical Collections*, xx., 17.

Governor Hopkins, in his account of Providence, says: "William Blackstone came and 'settled by the side of Pawtucket-river, near 'the Southern part of that which is now the 'town of Cumberland.'" * * * "At this, 'his new plantation, he lived, uninterrupted, for 'many years, and there again raised an orchard, 'the first that ever bore apples, in the Colony 'of Rhode Island; he had the first of that 'sort, called 'yellow sweetings,' that were ever 'in the world, perhaps the richest and sweetest 'apple of the whole kind; many of the trees 'which he planted, about one hundred and 'thirty years ago, are still (1765) pretty thrifty 'fruit-bearing trees. Mr. Blackstone used frequently to come to Providence, to preach the 'Gospel; and, to encourage his younger hearers, gave them the first apples they ever saw. 'It is said, that, when he was old and unable 'to travel on foot, and not having any horse, 'he used to ride on a bull, which he had trained, and tutored to that use."—*Massachusetts Historical Collections*, xix., 174.

In describing the bounds of Rehoboth, the following passage will be found, in the Records of Plymouth Colony: "From Rehoboth, ranging from Patucket-river, to a place called by 'the natives, 'Wawepooseag,' where one 'Blackstone now liveth."—*Massachusetts Historical Collections*, xx., 171.

His death occurred on the twenty-sixth of May, 1675, having lived in New England about fifty years. Shortly after his death, the Indian War broke out, and his house and its contents were burnt, by the savages. In the volume, last cited, page 172, an inventory may be found of his lands, goods, and chattels—his house, orchard, two hundred and sixty acres of land, two shares in Providence-meadow, a tract called Blackstone's meadow, and his library, comprising one hundred and eighty-six volumes, in different languages.

There can be little doubt, that, by himself, his name was written *Blaxton*. It was so found, by Mr. Savage, entered on the records of Emanuel College; and Mr. Daggett, in his *History of Attleborough*, Page 29, states, that the name is

so written, by John, the son of the pilgrim, in the original Deeds by which the lands of the father were, after his decease, conveyed to the grantee and which Deeds were in the possession of John Whipple, of Cumberland.

Mr. Bliss, in his *History of Rehoboth*, says, writing in 1836, "Three apple-trees are now 'standing, in the South end of Blackstone's 'meadow, and two of them bear apples. 'They appear to be very old, but, probably, 'grew from the sprouts of those planted by 'Blackstone."

The vestiges of his cellar, his well, and his grave are thus referred to, by Mr. Bliss: "The 'Whipple family, in whose possession the 'land has ever remained, since it was sold 'to them, by Blackstone's son, John Blackstone, 'say that the house was in the meadow, East 'side of the hill. And Judge Dexter, of Cumberland, who resides near the spot, tells me, 'that, within his recollection, Blackstone's 'cellar, with the stoning, was plainly to be seen; 'and pointed out to me the spot, about four 'rods East of the hill, and two East from his 'grave. His well, with the stoning almost entire, 'is still to be seen, a few rods South of the cellar and grave, on the second table and meadow. 'The grave is marked, by two rude stones of 'crystallized quartz, at the head and foot." A

Before we proceed to speak of the pilgrim's descendants, let us remove an obstacle, which may perplex the reader. A writer—S. D., in *Massachusetts Historical Collections*, xx., 171,—says Blackstone "had a daughter, married to 'Mr. John Stevenson." Blackstone had no daughter. S. D.'s mistake arose from the fact that John Stevenson is called the *son-in-law* of William Blackstone; and such he was, *quasi*, for he was the son of William Blackstone's wife, Sarah, by her first husband. There is no evidence that William Blackstone had more than one child; and his name was John. He was born at Rehoboth; and was a minor when his father died. The Plymouth Colony Records say—"June 1, 1675. Lieut. Hunt, Ensign Smith, 'and Mr. Daniel Smith are appointed and authorized by the Court to take some present 'care of the estate of Mr. William Blackstone 'deceased, and of his son now left by him; 'and to see, that, at the next Court, he do propose a man to the Court, to be his guardian, 'which, in case he do neglect, the Court will 'then see cause to make choice of one for 'him."

According to Mr. Bliss, in his *History of Rehoboth*, Page 13, John was a fast young man; wasted his substance, in intemperance and idleness; sold his paternal acres to David Whipple, in 1692; removed to Providence; became a shoemaker; married his wife, Katherine, there, in

1713; returned with her to Attleborough; was legally warned out of town; removed to the neighborhood of New Haven, where, Mr. Bliss says he has been credibly informed, there were living, a short time before 1836, a family of the name of Blackstone, having peculiarities similar to those of the pilgrim, especially a love of solitude. He adds a tradition, that a grandson of William Blackstone was a Lieutenant, and fell at the siege of Louisburg. Mr. Daggett, in his *History of Attleborough*, Page 29, after saying—"it is generally supposed, by historians, that the family is now extinct," observes "There is some reason to believe that his son emigrated to Connecticut, and settled on a neck of land not far from New Haven, where it is possible some of his posterity may exist in the female line."

We request the reader to notice and bear in mind, our italics. The researches of Mr. Bliss and Mr. Daggett seem not to have been very extensive, on this point. Persuaded, by this and other evidence, that John Blackstone, the wandering, and somewhat unworthy, descendant of our kind-hearted pilgrim, had located himself, at last, *not far from New Haven*, it occurred to us, that Professor Silliman, the elder, who knows so much of everything, worth knowing, might be able to offer some suggestions, in aid of our investigation. In March, 1849, we addressed him, on the subject. In his very kind reply of March 23, he put us upon a track, which we pursued, as we believe, and as we think the intelligent reader will believe, successfully. His letter, and the result of our inquiries, we shall lay before the reader, in the following number.

SIGMA.

III.*

MORE ABOUT BLAXTON.

We now offer extracts from Professor Silliman's letter, in reply to ours, of March, 1849:

"In the town of Branford, ten miles East from New Haven, lives James Blackstone, I suppose a lineal descendant of the primitive man of Boston. His residence is two miles East, or South-east, of Branford village, which is eight miles from New Haven, two miles on the road toward Stony Brook, a watering-place, on the sea-shore. Mr. Blackstone is a man of great worth and respectability; has often represented his town in the Legislature; and has been a member of the State Senate. Some of our respectable citizens represent Mr. Blackstone as both intelligent and kind, and well-informed as to his own genealogy. * * * I think you may, without hesitation, address Mr. Blackstone."

Professor Silliman adds, that his information is derived from the Hon. Mr. Ingersoll, our late Minister to Russia, and others, personally acquainted with Mr. Blackstone. In all this, as the reader will admit, we had an excellent starting point; and we now propose to prove, beyond all reasonable doubt, that the Hon. James Blackstone, of Branford, is the great-great-grandson of William Blaxton, the Boston pilgrim.

We addressed several letters to Mr. James Blackstone, and have, just now, taken from our files, and read over, his replies of April 2, 10, and 24, 1849. He was then fifty-four years old—Timothy, the father of JAMES, was then living, at the age of eighty-three—John, the grandfather of JAMES, died, in Branford, on the tenth of August, 1818, at the age of eighty-seven—John, the great-grandfather of JAMES, died, in Branford, on the third of January, 1785, at the age of eighty-five years, eleven months, and fifteen days. Thus far, all is clear. Here are four generations—John—John—Timothy—JAMES. To my first inquiry, the Hon. James Blackstone replied thus:

"As it respects my being a descendant of a man, named William Blackstone, I have no doubt of that; whether it was the identical one that you allude to. I am not positive; although, from all the information that I am in possession of, I have not much doubt of it. I have no testimony, in my possession, to identify my ancestors, any farther back than John Blackstone."

Here he refers to John, his great-grandfather, who died in 1785, and whom he calls "*John Blackstone the first*"—not being aware of any other, and earlier, John Blackstone. At my request, the Hon. James Blackstone has copied the inscription from his great-grandfather's gravestone—"In memory of John Blackstone, who departed this life, Jan. 3d, A. D. 1785, aged 85 years, 11 months, and 15 days." This John could not have been the son of the pilgrim, for he died, in 1675, or one hundred and ten years before. Our opinion is that this John, who died in 1785, was the son of John, referred to, in the Plymouth Colony records, and by the historians of Rehoboth and Attleborough, as John, the son of William, the pilgrim. Daggett, in his *History of Attleborough*, Page 20, says: "William Blackstone left one son, John Blackstone, who, it is supposed, settled somewhere near New Haven. He lived on his inheritance, till 1692, when he sold his lands to David Whipple, and, soon after, removed to Providence. There, it is probable, he married his wife, Katherine, and continued to reside, till 1718."

There is no chronological reason, therefore, in

* From *The [Boston] Evening Transcript*, of October 15, 1868.

the way of his having been the father of John Blackstone, who died in 1785, nearly eighty-six years of age, and was born, of course, in 1699. John, son of the pilgrim, seems, after a wandering life, to have "*settled somewhere near New Haven.*" So far, the probabilities appear to thicken; and we shall presently see that the grandfather's prudence, thrift, and industry revived in the grandson, that is, in John, who died, in 1785.

It would be remarkable, if two *distinct* families, bearing a name, then, and even now, so exceedingly rare, should, within a few years, have settled down, so *near New Haven*, the *paterfamilias* of each having the same given-name and the same patronymic—*John Blackstone!* Yet tradition says, that William's son *John* settled there; and *John*, who died in 1785, certainly settled there, lived there, and died there.

John, the son of William, was poor and shiftless; and nothing is known of his latter days. He had, probably, nothing to bestow upon his offspring. We now present an interesting passage, from the Hon. James Blackstone's letter of the tenth of April, 1849. Writing of his great-grandfather, whom we believe to be the son of wandering John, he says: "When he came to Branford, he was entirely destitute of property of any kind; and tradition says, that he left his father's home, in England, in consequence of difficulty with his parents, about property; and that his father and mother were very partial to a brother-in-law of his."

Let us examine this tradition, which we have placed in italics; and we are much mistaken, if it does not go far to confirm our opinion. It goes back, one hundred and fifty years, to 1699, the time, when the great-grandfather of the Hon. James Blackstone was born. Let us make a just allowance, for the attrition of time. While reciting traditional stories, how common it is, to mingle *proavi* and *atavi* together, and to substitute great-grandfathers, for great-great-grandfathers. Now let us see if this tradition, which had been vaguely referred to, in Branford, for more than one hundred years, and applied to John Blackstone, who died in 1785, because they knew nothing of any earlier John, will apply to John, the son of William. We know that William, the pilgrim, came from England, in early life; for he was here, about 1625, having graduated A. M., at Emanuel College, in 1621. Whether any difficulty with his parents mingled with his dislike of the "Lords Bishops," to cause his voluntary expatriation, we know not. But there is very good reason to believe that his son, John, had "*a difficulty with his parents.*" He also had "*a brother-in-law,*" John Stevenson, to whom his father and mother had the very best of reasons for being "*very*

"*partial.*" He appears to have won a public and honorable notice, for his care of his venerable step-father, in his old age; for, while we may well suppose that the vagrant and unthrifty habits, for which their son, John Blackstone, was afterwards noted, were showing their premonitory symptoms of idleness and disobedience, the devotion of his brother-in-law to his venerable parents was so remarkable, as to obtain for him, after their decease, the following honorable testimony:

"July 10, 1675. Whereas the Court is informed that one, whose name is John Stevenson, son, son-in-law to Mr. William Blackstone, late deceased, was very helpful to his father and mother, in their life time, without whom they could not have subsisted, as to a good help and instrument thereof, and he is now left, in a low and mean condition; and never was in any manner recompensed, for his good service aforesaid; and if (as it is said at least) his father-in-law engaged to his mother, at his marriage with her, that he should be considered with a competency of land, out of the said Blackstone's land, then lived on, which hath never yet been performed; and forasmuch as the personal estate of the said Blackstone is so small and inconsiderable that he the said Stevenson cannot be relieved out of it; this Court, therefore, in consideration of the premises, do order and dispose fifty acres of land unto the said John Stevenson, out of the lands of the said William Blackstone, and five acres of meadow, to be laid out to him, by Ensign Henry Smith, and Mr. Daniel Smith, and Mr. Nathaniel Paine, according as they shall think meet so as it may be most commodious to him, or as little prejudicial to the seat of Mr. William Blackstone, as may be.

"By order of the Court, for the jurisdiction of Plymouth."

Hence, doubtless, arose the "*difficulty about property,*" in the tradition. John Blackstone was probably dissatisfied with this righteous order of the Court, by which he was compelled to lose so considerable a portion of his father's estate.

Mr. Daggett had, certainly, a very imperfect knowledge of the *whole* truth, when, in 1894, he surmised that some of Blackstone's family might exist, *near New Haven*, in the female line. The Hon. James Blackstone says, in his letter of April 2, 1849, that John Blackstone, who died in 1785, left two sons and two daughters, who lived and died in Branford; and, he adds, "there are now five families of Blackstones living in Branford, and some four or five more in the State of New York, all descendants of

"John Blackstone"—meaning his great-grandfather, who died, in 1785. For he was not, at the time of writing, aware of an earlier John, his great-great-grandfather, the only son of the pilgrim. SIGMA.

VI.—THE CONSTITUTION FOR THE UNITED STATES.

[From *The New Hampshire Gazette*, May 29, 1788.]

OBSERVATIONS ON THE CONSTITUTION PROPOSED BY THE FEDERAL CONVENTION.

But besides the objections, originating from the before-mentioned cause,* that have been called *local*, there are other objections that are supposed to rise from the maxims of liberty and policy.

Hence it is inferred that the proposed system has such inherent vices, as must necessarily produce a bad administration, and at length the oppression of a monarchy or an aristocracy in the federal officers.

The writer of this address being convinced by as exact an investigation as he could make, that such mistakes may lead to the perdition of his country, esteems it his indispensable duty, strenuously to contend, that *the power of the People* pervading the proposed system, together with the *strong confederation of the States*, forms an adequate security against every danger that has been apprehended.

If this single assertion can be supported by facts and arguments, there will be reason to hope, that painful anxieties will be removed from the minds of some citizens, who are truly devoted to the interests of *America*, and who have been thrown into afflictive perplexities, by the never-ending mazes of multiplied, intricate, and contrariant disquisitions. The objectors agree, that the *confederation of the States will be strong*, according to the system proposed, and *so strong*, that many of them loudly complain of that strength. On this part of the assertion there is no dispute: But some of the objections that have been published strike at another part of the principle assumed, and deny that the system is sufficiently founded on *the power of the People*.

The course of regular enquiry demands that *these* objections should be considered in the first place. If they are removed, then *all the rest* of the objections, concerning unnecessary taxations, standing armies, the abolishment of

trials by jury, the liberty of the press, the freedom of commerce, the judicial, executive, and legislative authorities of the several States, and the rights of citizens, and the other abuses of federal Government, must, of consequence, be rejected, if the principle contains the salutary, purifying, and preserving qualities attributed to it. The question then will be—*Not what may be done, when the Government shall be turned into a tyranny; but how the Government can be so turned?*

Thus unembarrassed by subordinate discussions, we may come fairly to the contemplation of that superior point, and be better enabled to discover whether our attention to it will afford any lights, whereby we may be conducted to *peace, liberty, and safety*.

The objections, denying that the system proposed is sufficiently formed on the *power of the People*, state that the number of the federal trustees or officers is too *small*, and that they are to hold their *offices too long*.

One would really have supposed that *smallness of number* could not be termed a cause of danger, as *influence* must increase with *enlargement*. If this is a fault, it will soon be corrected, as an addition will be often made to the numbers of the *Senators*, and, almost every year, to that of the *Representatives*; and, in all probability, much sooner than we shall be able and willing to bear the expense of the addition. As to the *Senate*, it never can be, and it never ought to be, large, if it is to possess the powers which almost all the objectors seem inclined to allot to it, as will be evident to every intelligent person who considers those powers.

Tho' small, let it be remembered, that it is to be created by the *sovereignities* of the several States, that is, by the persons whom the People of each State shall judge to be *most worthy*, and who, surely, will be religiously attentive to making a selection, in which the interest and honour of their State will be so extensively concerned. It should be remembered, too, that this is the same manner in which the members of Congress are *now* appointed; and that, herein, the *sovereignities* of the States are so intimately involved, that however a renunciation of part of these powers may be desired by *some of the States*, it *never* will be obtained from the *rest of them*. Peaceable, paternal, and benevolent as these are, they think the concessions they have made ought to satisfy all.

That the *Senate* may always be kept *full*, without the interference of Congress, it is provided that if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next

* There was a previously-published article, which we have not found.—*Editor.*

meeting of the Legislature, which shall then fill up such vacancies.

As to the *House of Representatives*, it is to consist of a number of persons not exceeding one for every thirty thousand. Thus, *every* member of that House will be elected by a *majority of the electors of a whole State*; or by a *majority of the electors among thirty thousand persons*. These electors will reside, widely dispersed, over an extensive country. Cabal and corruption will be as impracticable, as, on such occasions, human institutions can render them. *The will of freemen*, thus circumstanced, will give the *fiat*. The purity of election thus obtained, will amply compensate for the supposed defect of representation; and the members, thus chosen, will be most apt to harmonize, in their proceedings, with the general interests, feelings, and sentiments of the people.

Allowing such an increase of population as, from experience and a variety of causes, may be expected, the *Representatives*, in a short period, will amount to several hundreds, and, most probably, long before any change of manners, for the worst, that might tempt or encourage our rulers to mal-administration, will take place on this Continent.

That *this* may *always* be kept *full*, without the interference of Congress, it is provided in the system, that when vacancies happen in any State, the Executive authority thereof *shall* issue Writs of Election to fill such vacancies. But, it seems, the number of the federal officers is not only too small: they are to hold their offices too long.

This objection surely applies not to the *House of Representatives*, who are to be chosen *every two years*, especially if the extent of empire and the vast variety and importance of their deliberation be considered. In that view, *they* and the *Senate* will actually be not only *legislative* but also *diplomatic* bodies, perpetually engaged in the arduous task of reconciling, in their determinations, the interest of several *sovereign* States, not to insist on the necessity of a competent knowledge of *foreign* affairs, relative to the States.

They who desire the *Representatives* to be chosen *every year*, should exceed Newton in calculations, if they attempt to evince, that the public business would, in that case, be better transacted than when they are chosen *every two years*. The idea, however, for the zeal that prompted it.

Is monarchy or aristocracy to be produced, without the consent of the People, by a *House of Representatives* thus constituted?

It has been unanimously agreed by the friends of liberty, frequent Elections of the Representatives of the People, are the most sovereign

Remedy of all Grievances in a Free Government.

Let us pass on to the Senate.

At the end of two years after the first election, *one-third* is to be elected for *six* years. Of the remaining thirds, one will consequently have but *four* years and the other but two years to continue in office. The whole number at first will amount but to *twenty-six*; must ever continue *very small*, will be regularly *renovated* by the *biennial* elections of *one-third*; and will be *overlooked and overawed* by the House of *Representatives*, nearly three times more numerous at the beginning, rapidly and vastly augmenting, and more enabled to overlook and overawe them by holding *their* offices for *two years*, as thereby they will acquire better information respecting national affairs. These *representatives* will also command the public purse, as *all Bills for raising revenue* must *originate* in their house.

As in the *Roman* armies, when the *Principes* and *Hastati* failed, there were still the *Triarii*, who generally put things to rights, so we shall be supplied with another resource. We are to have a *President* to *superintend* and, if he thinks the public weal requires it, to control any act of the Representatives and Senate. This President is to be chosen, not by the People at large, because it may not be possible that all the freemen of the empire should always have the necessary information for directing their choice for such an officer; nor by Congress, lest it should disturb the national councils; nor by *any one body* whatever, for fear of undue influence.

He is to be chosen in the following manner. Each State shall appoint, as the Legislature thereof may direct, a number of *Electors* equal to the whole number of *Senators and Representatives*, to which the State shall be entitled in Congress: but no *Senator* or *Representative*, or person holding an office of trust or profit under the *United States*, shall be appointed an Elector. As these Electors are to be appointed as the Legislature of each State may direct, of course they will be appointed by the People of the State, if *such be the pleasure of the People*. Thus the fairest, freest opening is given, for each State to chuse such *Electors* for this purpose, as shall be most signally qualified to fulfil the trust.

To guard against undue influence, these Electors, thus chosen, are to meet in *their respective States*, and vote by ballot; and still further to guard against it, Congress may determine the time of choosing the Electors, and the day on which they shall give their votes—which day shall be the same throughout the *United States*. All the votes from the several States are to be

transmitted to Congress, and therein counted. The President is to hold his office for *four* years.

When these Electors meet in their respective States, utterly vain will be the unreasonable suggestions derived from *partiality*. The Electors may throw away their votes; mark, with public disappointment, some person improperly favoured by them; or, justly revering the duties of their office, dedicate their votes to the best interests of their country.

This President will be no *dictator*; *two-thirds of the Representatives and the Senate* may pass any law, *notwithstanding his dissent*; and he is *removable* and *punishable* for misbehaviour. Can the limited, fluctuated *Senate*, placed amidst such powers, if it should become willing, ever become able, to make *America* pass under its yoke? The Senators will generally be inhabitants of places very distant one from another. They can scarcely be acquainted till they meet. Few of them can ever act together for any length of time, unless their good conduct recommends them to a re-election—and then there will be frequent changes in a body *dependent upon the choice of other bodies*, the Legislatures of the several States, that are altering every year. *Machiavel* and *Cæsar Borgia* together could not form a conspiracy in such a Senate, dangerous to any but themselves and their accomplices.

It is essential to every good Government that there should be *some Council*, permanent enough to get a due knowledge of affairs, internal and external; so constituted that, by some deaths or removals, the current of information should not be impeded or disturbed; and so regulated, as to be responsible to and controllable by the *People*. Where can the authority for combining these advantages be more safely, beneficially, or *satisfactorily* lodged, than in the Senate, to be formed according to the plan proposed? Shall parts of the trust be committed to the President with Counsellors, who shall subscribe their advices? If assaults upon liberty are to be guarded against, and surely they ought to be, with sleepless vigilance, why should we depend more on the *Commander-in-chief* of the Army and Navy of the United States and of the Militia of the several States, and on his Counsellors, whom he may secretly influence, than on the *Senate* to be appointed by the persons exercising the *sovereign* authority of the several States? In truth, the objections against the powers of the Senate originated from a desire to have them, or at least some of them, vested in a body, in which the several States should be represented, in proportion to the number of inhabitants, as in the House of Representatives. This method is un-

attainable, and the wish for it should be dismissed from every mind that desires the existence of a Confederation.

What assurance can be given, or what probability be assigned, that a Board of Counsellors would continue honest, longer than the Senate? Or, that they would possess more useful information, respecting all the States, than the Senators of all the States? It appears needless to pursue this argument any further.

How varied, balanced, concordant, and benign, is the system proposed to us! To secure the freedom and promote the happiness of these and future States, by giving the will of the People a decisive influence over the whole, and over all the parts, with what a comprehensive arrangement does it embrace different modes of representations, from an election by a County to an election by an empire! What are the complicated ballot, and all the refined devices of *Venice*, for maintaining her aristocracy, when compared with this plain-dealing work for diffusing the blessings of *equal liberty and common prosperity* over myriads of the human race?

All the foundations before mentioned, of the federal Government, are, by the proposed system, to be established, in the most clear, strong, positive, unequivocal expressions, of which our language is capable. *Magna Charta*, or any other law, never contained clauses more decisive and emphatic. While the People of these States have sense, they will understand them and while they have spirit, they will make them to be observed.

FABIUS, No 2.

VII.—DOCUMENTS RELATING TO THE TREASON OF BENEDICT ARNOLD, TO HIS WIFE, AND TO MAJOR ANDRE.

COMMUNICATED BY WILLIAM GILLMORE SIMMS, LL.D.

[The within papers are contributions, from original records, in the case of Benedict Arnold, Andre, and Arnold's wife, and will be suggestive to the future historian, biographer, or writer of fiction. They were furnished to me chiefly by Mr. Henry C. Baird, of Philadelphia.—W. G. S.]

I.—RESOLUTIONS OF THE SUPREME EXECUTIVE COUNCIL OF THE STATE OF PENNSYLVANIA, FEBRUARY 3. 1779.

This Board having maturely considered the general tenor and course of the military command exercised by Major-general Arnold, in this city and State, and divers transactions which have appeared to this Board during his command, *do resolve, unanimously,*

FIRST, That the same hath been in many respects oppressive to the faithful subjects of the State, unworthy of his rank and station,

highly discouraging to those who have manifested their attachment to the liberties and interests of America, and disrespectful to the supreme executive authority of the State,

Wherefore, Resolved, unanimously,

SECOND, That nothing but the most urgent and pressing necessity can justify or induce this Board to call forth any waggons or Militia, or otherwise subject the good people of this State to the power and command of the said General Arnold, within the State, should he resume it, upon his return.

THIRD, ORDERED, That the Attorney-general do prosecute the said General Arnold, for such illegal and oppressive conduct as is cognizable in the Courts of law.

And, that this Board may not be supposed capable of passing the above Resolves upon mere general grounds, and more especially in the case of one who has formerly distinguished himself in public service, they think proper to declare that the consideration last-mentioned has hitherto restrained them from taking proper notice of General Arnold, hoping that every unworthy transaction would be the last, or that a becoming sense of such improprieties would effect an alteration of conduct. But, finding that tenderness has only led to insult and farther oppression, duty to the State, regard to the interests and happiness of the good people thereof, who must be affected by all abuses of power, oblige us thus to take notice thereof, and further declare, that the said Resolves are founded upon the following Articles, in which they have sufficient ground to esteem General Arnold culpable:

FIRST, That, while in the camp of General Washington, at Valley Forge, last Spring, he gave permission to a vessel belonging to persons then voluntarily residing in this city with the enemy, and of disaffected character, to come into a port of the United States, without the knowledge of the authority of the State, or of the Commander-in-chief, though then present.

SECOND, In having shut up the shops and stores, on his arrival in the city, so as even to prevent officers of the army from purchasing, while he privately made considerable purchases for his own benefit, as is alleged and believed.

THIRD, In imposing menial offices upon the sons of freemen of this State, when called forth, by the desire of Congress to perform Militia duty; and when remonstrated to, hereupon, justifying himself in writing, upon the ground of having power so to do; for that "when a citizen assumed the character of a soldier, the former was entirely lost in the latter; and that it was the duty of the Militia to obey

"every Order of his Aids (not a breach of the laws and Constitution) as his (the General's) without judging of the propriety of them."

FOURTH, For that, when a prize was brought into this port, by a Convention Brig, of this State, whereon a dispute arose respecting the capture, which would otherwise, in great probability, have been amicably adjusted between the claimants, General Arnold interposed, by an illegal and unworthy purchase of the suit, at a low and inadequate price, as has been publicly charged by a reputable citizen; to which may in some degree be ascribed the delay of justice, in the Courts of Appeal, and the dispute in which the State may probably be involved with Congress, hereupon.

FIFTH, The appropriating the waggons of this State, when called forth upon a special emergency, last Autumn, to the transportation of private property and that of persons who voluntarily remained with the enemy, last Winter, and were deemed disaffected to the interests and independence of America.

SIXTH, In that Congress, by a Resolve of the twenty-first of August last, having given to the executive powers of every State an exclusive power to recommend persons desirous of going within the enemy's lines, to the officer there commanding, General Arnold, in order, as may reasonably be inferred, to elude the said Resolve, wrote a letter, as appears by comparison of the hands and the declaration of the intended bearer, recommendatory for the above purpose, and caused his Aid-de-camp, Major Clarkson, to sign the same. But the said device not taking effect, through the vigilance of the officers at Elizabethtown, General Arnold, without disclosing any of the above circumstances, applied to Council for their permission, which was instantly refused, the connection, character, and situation of the party being well known and deemed utterly improper to be indulged with such permission, thereby violating the Resolve of Congress, and usurping the authority of this Board.

SEVENTH, This Board having, upon the complaint of several inhabitants of Chester-county, through the late Waggon-master-general, requested of the said General Arnold to state the said transaction respecting the waggons, in order that they might satisfy the complaints or explain the same, without further trouble, received in return an indecent and disrespectful refusal of any satisfaction whatever.

EIGHTH, The discouragements and neglect manifested by General Arnold, during his command, to civil, military, and other characters, who have adhered to the cause of their country, with an entirely different conduct towards those of another character, are too notorious to

need proof or illustration. And if this command has been, as is generally believed, supported at an expense of four or five thousand pounds per annum, to the United States, we freely declare we shall very unwillingly pay any share of expences thus incurred.

Extract from the Minutes.

T. MATLACK, Secretary.

II.—EXTRACTS OF A LETTER FROM ED. BURD TO HIS FATHER.*

LAN^r. 10. Nov. 1780

DEAR & HONORED SIR

I was in great hopes of receiving a Letter from you this Court but as some of the Paxton people will be agoing up this Afternoon, I embrace the opportunity of writing to you. You have doubtless heard of ye unfortunate affair of Mrs. Arnold. We tried every means to prevail on the Council to permit her to stay among us, and not to go to that infernal Villain her Husband at New York. The Council seemed for a considerable time disposed to favor our Request, but at length have ordered her away. Yesterday was the day she was to have set off, and Mr. Shippen intending to accompany her the greatest part of the way, could not be up at this Court. This circumstance has involved the whole family in the deepest distress. Mr. Shippen had promised the Council, and Mrs. Arnold had signed a writing to the same purpose, engaging not to write to Gen^l Arnold, any Letters whatever, and to receive no letters without showing them to Council, if she was permitted to stay—However this did not answer ye purpose we hoped for—If she could stay Mr. Shippen would not have wished her ever to be united to him again. It makes me melancholy everytime I think of the matter. I cannot bear the Idea of her Re-union. The sacrifice was an immense one at her being married to him at all—it is much more so to be obliged against her will to go to the Arms of a Man who appears so very black.

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It is the prevailing opinion that the English have left Virginia

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I beg my love, in which Uncle Shippen joins me to my Mother and all the family, and am
 dear Sir
 Yr aff. & dutiful Son
 E. BURD.

* The original of this letter is in the Historical Society of Pennsylvania; and some private matters are left out of this copy. The letter is to Colonel Burd, the father of the writer. Ed. Burd afterwards married a sister of Mrs. Arnold.

III.—EXTRACT FROM A LETTER FROM GENERAL WILLIAM IRVINE TO GOVERNOR MCKEAN, DATED NOVEMBER 4TH, 1799.*

But there is a particular subject which appears to me of great importance indeed—which is said to be already fixed, but I can not believe it, I mean a successor to the office you now hold. Among the gentlemen of the Bar, who are attending the Court here, this week, I understanding it is said Mr. Shippen is the man and added that you cannot, *dare not*, brake through the line of succession, *for fear of a future election*. That Mr. Shippens age and infirmity makes it probable he will serve only a few months, that in course Mr. Yates will succeed him—on this permit me to indulge myself with making an observation—which is, that if the absolute want of men in the State to fill these offices should render their appointment indispensable it is a deplorable situation—because they and connections were generally against the Revolution, and now the whole tribe form a complete cabal who would tomorrow wish to see the State Government at least swallowed up in the general Government, if not the whole returned under Britain—only look at them from the inveterate malicious impudent reptile C. Smith up to the head, and can there be doubt of this; but why should I trouble you with what you must know better than I can possibly? Only Sir to inform you how galling it must be, if they are to be gratified, to every real Republican. In looking round for a man to fill that office, I confess from my scanty knowledge on the subject, it is difficult to fix on one, but from all circumstances that have occurred to me I think Mr. Chew preferable—it is true he was not active with us in the Revolution, but I believe he did nothing against us—he is much more famed for law knowledge, principles of honor, and integrity—and is not cursed with a low groveling train of connections besides I understand his present position entitles him to consideration. If I have erred or given the smallest cause of offence in this communication I doubt not you will pardon it when you give credit to the motive mentioned in the beginning of this letter.

IV.—PROCEEDINGS SUBSEQUENT TO THE TREASON.

[From the *Pennsylvania Journal and Weekly Advertiser*, October 4, 1780.]

As soon as these letters were read, the con-

* The original of the above is in *The Irvine Papers*, Vol. viii., in possession of H. C. Baird, Esq., Philadelphia. General Irvine was Colonel and General in the Army of the Revolution. After the Revolution, he was a Member of Congress, &c., &c., and always, afterwards, a prominent citizen of Pennsylvania and an estimable man.—H. C. B.

highly discouraging to those who have manifested their attachment to the liberties and interests of America, and disrespectful to the supreme executive authority of the State,

Wherefore, Resolved, unanimously,

SECOND, That nothing but the most urgent and pressing necessity can justify or induce this Board to call forth any waggons or Militia, or otherwise subject the good people of this State to the power and command of the said General Arnold, within the State, should he resume it, upon his return.

THIRD, ORDERED, That the Attorney-general do prosecute the said General Arnold, for such illegal and oppressive conduct as is cognizable in the Courts of law.

And, that this Board may not be supposed capable of passing the above Resolves upon mere general grounds, and more especially in the case of one who has formerly distinguished himself in public service, they think proper to declare that the consideration last-mentioned has hitherto restrained them from taking proper notice of General Arnold, hoping that every unworthy transaction would be the last, or that a becoming sense of such improprieties would effect an alteration of conduct. But, finding tenderness has only led to insult and oppression, duty to the State, regard interests and happiness of the good thereof, who must be affected by all power, oblige us thus to take notice, and further declare, that the said Board founded upon the following Articles they have sufficient ground to deem General Arnold culpable:

FIRST, That, while in the Washington, at Valley Forge, he gave permission to persons then voluntary city with the enemy, and ter, to come into a port without the knowledge of the State, or of the Congress then present.

SECOND, In having stores, on his arrival, prevent officers while he priviledges for his believed.

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B.—EXTRACT FROM THE "ADDRESS TO THE INHABITANTS OF AMERICA" WHICH SHOULD HAVE BEEN, CONSISTENT WITH TRUTH, MADE BY GENERAL ARNOLD, INSTEAD OF THAT DATED "NEW YORK, OCTOBER 7, 1780."

The removal of the English from Philadelphia presented one [an opportunity] which I improved to my best advantage. You will say, was it not now time to withdraw? By no means. In contending for wealth, I am free to declare that this end attained, my warfare should cease. But I had married a young wife, set up a chariot, and entered on a plan of expensive living which swallowed up all my gains. I lamented therefore the prosecution commenced against me, by the ruling power of Pennsylvania, who detected some of my practices, and was almost drove to despair by the scrutiny into my public accounts made by the Board of Treasury, who developed my arts of chicanery, trickery and peculation; and in one instance, prevented me from securing myself a thousand pounds, hard money, notwithstanding I practised every artifice that cunning could suggest, to gain the point. Fortunately, however, a new and tempting scene opened to my view. Maj. André, the confidential friend of Gen. Sir Henry Clinton, gave me an opportu-

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ty-two thousand Continental dollars [by your breach of faith.

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As the confiscation of your effects, which are but very trifling, and the enormous debts you contracted in Philadelphia and elsewhere, both hard and paper money, will not afford me the most distant prospects of payment, I must therefore beg of you to take the first opportunity of sending out my money by a

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SARAH WARNER.
NT, Oct. 19, 1780.

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We invite discussion concerning each of them; and if any of them are incorrect or doubtful, we invite corrections.—Ed. H. M. A.]

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I.

The following minute statement of the circumstances attending that remarkable event, from the lips of David Williams, one of the three captors of the spy, was taken in writing by Isaac H. Tiffany, Esq., of Fultonville, N. Y., while conversing with him at Broome, Schoharie-county, N. Y., on the thirteenth of February, 1817. As it may be unknown to some of our readers, we have given it a place in our columns :

"Williams, Van Wart, and Paulding, (Williams aged between twenty-two and twenty-three, the other two being younger,) were going to meet some relations, twenty miles below. The three were seated beside the road, in the bushes, amusing themselves at cards, when their attention was arrested by the galloping of a horse. On approaching the road, they saw a gentleman riding towards them, seated on a large brown horse, which was afterward observed to have marked on the near shoulder the initials 'U. S. A.' The rider was a light, trim-built man, about five feet seven inches in height, with a bold military countenance and dark eyes; and was dressed in a round hat, blue surtout, crimson coat, with pantaloons and vest of nankeen. As he neared them, the three cocked their muskets and aimed at the rider, who immediately checked his horse, and the following conversation ensued :

"ANDRE—'Gentlemen, I hope you are of our party?'

"PAULDING—'What party?'

"ANDRE—'The lower party.'

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EXTRACT FROM A "LETTER FROM A GENTLEMAN AT CAMP."

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3.—From *The New Jersey Journal*.

TO GENERAL ARNOLD.

MY DEAR GEN.

I have lately seen a vindication of your public character, published by yourself to the citizens of the United States. It affords me great pleasure to find you still profess to have a heart of integrity, by which means I expect to get the money you borrowed of me, for, notwithstanding what has been said of your plunder at Montreal, contrary to General Montgomery's capitulation with the unfortunate people of that city, and the anecdotes of your conduct at Philadelphia, yet interest obliges me to tell you I think you too much a man of honor to admit that I, a poor woman, a follower of the Army and Suttler, should forfeit twen-

tents were communicated to the Vice-President and the Council of this State and the Justices of the Supreme Court, who directed an immediate seizure of all Arnold's papers, which was made, and though no direct proof of his treachery was found, the papers disclose such a scene of baseness and prostitution of office and character, as it is hoped this new world cannot parallel. His participation of the plunder of this city, when he held the command, after the evacuation of the enemy, is now found by the agreement signed between him and his accomplices to share the profits of that shameful business. It seems that he and some others, whose names will probably, in due time, be made known, now have subsisting contracts with persons in New York for merchandise. In making an estimate of his estate, he enumerates his share of the sloop *Active*, tho' he found witnesses to swear before the Grand Jury that he had no share in her. In short, his whole command appears to have been a scene of the basest traffick and public plunder. In August last, he directs his wife to draw all she can from the Commissaries and sell it or store it, tho', at that very time, the Army was destitute of provisions. In the private correspondence of his family and himself are contained the most sarcastic and contemptuous expressions of the French Nation and of an eminent personage of that country whose hospitality and politeness they were at that time frequently experiencing. The illiberal abuse of every character opposed to his fraudulent and wicked transactions exceed all description.

* * * * *

Our correspondent concludes with a remark on the fallacious and dangerous sentiments so frequently avowed in this city, that the female opinions are of no consequence in public matters. The Romans thought far otherwise, or we should not have heard of the Clelias, and Cornelias, and Abias, of antiquity; and had we thought and acted like them we should have despised and banished from social intercourse every character, whether male or female, which could be so lost to virtue, decency, and humanity, as to revel with the murderers and plunderers of their countrymen. Behold the consequences. Major Andre, under the mask of friendship and former acquaintance at Meschianzas and Bulls, opens a correspondence, in August, 1779, with Mrs. Arnold, which has doubtless been improved on his part to the dreadful and horrid issue we have described, and which but for the overruling care of a kind Providence, must have involved this country and our allies in great distress and perhaps utter ruin.

2.—From *The Pennsylvania Packet*, October 17 1780.

A.—EXTRACT OF A LETTER FROM A GENTLEMAN AT CAMP.

A moment before his (Arnold) setting out he went into Mrs. Arnold's apartment, and informed her that certain transactions had just come to light, which must forever banish him from his country. She fell into a swoon, at this declaration, and he left her in it, to consult his own safety, till the servants, alarmed by her cries, came to her relief. She remained frantic all day, accusing every one who approached her with an intention of murdering her child (an infant in her arms) and exhibiting every mark of the most agonising affliction. Exhausted by the fatigue and tumult of her spirits, her frenzy subsided towards evening, and she sunk into all the sadness of distress. It was impossible not to have been touched with her situation; everything affecting in female tears or in the misfortunes of beauty, everything pathetic in the wounded tenderness of a wife or in the apprehensive fondness of a mother, and every appearance of suffering innocence, conspired to make her an object of pity to all who were present. She experienced the most delicate attentions and every friendly office, till her departure for Philadelphia.

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ity of commencing a correspondence with him. My character was blasted, the people of America were beginning to treat me with sovereign contempt. Even a Frenchman, whom I treated with so much friendship as to borrow of him twelve thousand pounds, to pay for a country-seat and plantation I had bought, when Continental currency was worth about four for one, in gold and silver, had the assurance to hint he would be glad to take a pair of my horses for eight thousand pounds of the money lent. But this I refused and therefore could hope for no further favors of the like nature from him and consequently have a right to abuse and hate him and all his countrymen. In this situation, I should have changed my principles, if I had not embraced the opportunity of Maj. André's correspondence. In the firm persuasion that my private interest was to be preferred to that of my country, I devoted myself to Great Britain, thinking it infinitely wiser and safer to cast my chance of making a fortune upon the bargain I should make for betraying my country, than to trust to Congress, who had too much reason to despise me.

I affected no disguise, and therefore frankly declare that, in these principles, I repaired to the army and solicited the command of West Point in order to have an opportunity of surrendering it and the garrison to Great Britain, for a stipulated sum.

C.—FURTHER EXTRACT FROM A "LETTER
"FROM A GENTLEMAN AT CAMP."

Added to the scene of knavery and prostitution, during his command in Philadelphia, which the late seizure of his papers has unfolded, the history of his command at West Point is a history of little else than as great villanies. He practiced every art of dirty speculation, and even stooped to connections with the Suttlers of the Garrison to defraud the public.

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"ANDRE—'Gentlemen, I hope you are of our party?'

"PAULDING—'What party?'

"ANDRE—'The lower party.'

"PAULDING—'We do.'

"ANDRE—"I am a British officer: I have been
"up in the country on particular business, and
"would not wish to be detained a single moment."

"He thereupon pulled out a gold watch, and
"exhibited it as an evidence that he was a gentleman, and returned it to his fob. Paulding
"thereupon remarked, 'We are Americans.'

"ANDRE—"God bless my soul! a man must
"do anything to get along—I am a Continental
"officer, going down to Dobbs's Ferry, to get
"information from below."

"Andre then drew out and presented a pass
"from General Arnold, in which was the assumed name of 'John Anderson.' Seizing hold
"upon the reins of the horse, they ordered him
"to dismount. Andre exclaimed, 'You will
"bring yourselves trouble!' 'We care not for
"that,' was the reply. They took him down,
"ten or fifteen rods, beside a run of water; and
"Williams proceeded to search his hat, coat, vest,
"shirt, and pantaloons, in which they found
"eight dollars in Continental money; and, at
"last, ordered him to take off his boots. At this,
"he changed color. Williams drew off the left
"boot, first, and Paulding, seizing it, exclaimed,
"My God! here it is!' In it, three half-sheets
"of written paper were found, enveloped by a
"half sheet, marked, 'Contents, West Point.'
"Paulding again exclaimed, 'My God! he's a
"spy!' On pulling off the other boot, a similar
"package was found.

"Andre was now allowed to dress; and they
"marched him across the road, into the field,
"about twenty rods. The young men winked
"to each other to make further discoveries, and
"inquired from whom he got the papers? 'Off
"a man at Pine's Bridge, a stranger to me,' replied Andre. He then offered them, for his
"liberty, his horse and equipage, watch, and
"one hundred guineas. This they refused to
"take, unless he informed them where he obtained the manuscript. He refused to comply;
"but again offered his horse, equipage, and one
"thousand guineas. They were firm in their
"denial; and Andre increased his offer to ten
"thousand guineas and as many drygoods as
"they wished, which should be deposited in
"any place they desired—that they might keep
"him and send some one to New York with
"his order, so that they could obtain them, unmolested. To this they replied, 'That it did
"not signify for him to make any offer, for he
"should not go.' They then proceeded to the
"nearest military station, which was at North
"Castle, about twelve miles distant. On the
"way, Andre gave them his watch, telling
"them that 'it was a prize.' On delivering
"him to Colonel Jamieson, the commanding
"officer, that gentleman enjoined the strictest

"secrecy, at the same time expressing an opinion that there were others doubtless concerned in the plot. Major Tallmadge, who had
"commanded a guard, received Andre at Colonel Jamieson's quarters, and afterward, with
"about twenty men, conducted him to Colonel Sheldon, at Salem. The three accompanied
"Andre part of the way, and then left. During the night, Tallmadge caused Andre to
"be tied to a tree at Comyen-hill. From Salem,
"he was conveyed to West Point, and from
"thence to Tappan.

"Williams, Paulding, and Van Wart, stood
"within the ring when Andre was hung.
"When the officer informed him that his time
"had nearly expired, and inquired if he had
"anything to say, he answered, 'Nothing but
"for them to witness to the world that he died
"like a brave man.'

"The hangman, who was painted black, offered to put on the noose. 'Take off your
"black hands!' said Andre; then putting
"on the noose himself, took out his handkerchief, tied it on, drew it up, bowed with a
"smile to his acquaintances, and died."

II

The following, communicated to Mr. Browere, the artist, in the Summer of 1826, is the personal narrative of Isaac Van Wart, another of the party. It has not been referred to by any of those who have written on the subject, as far as our observation has extended; and we are inclined to think that it will be new to the greater number of our readers.

"I am the third son of Martinus Van Wart: he had nine children. I was born at Greenburg, Westchester-county, but don't know on what day, but was christened on the twenty-fifth of October, 1748.

"When a Division of the American Army was at North Castle, commanded by Colonel Jamieson, I went on a scouting-party, consisting of two besides myself, in order to way-lay the Cowboys or Refugees, who, we had notice, passed the North-river post, daily, with cattle, horses, sheep, etc.

"While at the encampment at North Castle, John Paulding came one afternoon, to me, saying, 'Isaac, have you any objection to going with me on a scout, below?' 'No,' says I. We then started, between three and four in the afternoon, with our English rifles on our shoulders, and proceeded southward. After walking a mile or so, we fell in with David Williams, and persuaded him to accompany us on our expedition. At night, we came to neighbor John Andrews's barn, at Mount Pleasant, and slept on the hay until day-break. We next crossed the fields to the North-river

"post-road; and, about half-past seven o'clock, we came to the widow Read's house, and got some milk and a pack of playing-cards. At nine, we reached the field beside the road, now the property of Mr. Wiley, three-quarters of a mile from Tarrytown. Getting over the fence, we found it filled with thick bushes, under-wood, etc., etc. We cleared a spot; and Pauld-drawing, taking out the cards, said 'Boys, we will draw cuts—two can play, while the third stands sentry.' The cuts were made, and I was to stand sentinel.

"During fifteen or twenty minutes, several neighbors, whose political principles I well knew, passed the field where we were, without discovering us—Paulding and Williams keeping a perfect silence, and I laying down, within the bushes, close to the fence. Shortly (say twenty or thirty minutes from the time of our arrival) I saw a horseman ride slowly along, on a black horse, on the rising ground, directly opposite to where the Tarrytown Academy now stands. I said to Paulding and Williams, 'Here's a horseman coming; we must stop him.' We got up, with our firelocks ready, and waited for him to advance.

"As soon as he (it was Major Andre) saw us standing by the fence, he reined in his horse, and, riding straight up to us, said 'God bless you, my dear friends, I hope you belong to our party!' We asked 'What party?' Without hesitation, he smilingly replied, 'Why, the lower party. I am a British officer; and to convince you that I am a gentleman, and aver the truth, see, here is my gold watch.' We told him he was wrong; for we neither belonged to his nor to the lower party, but were Americans, and that he was our prisoner.

"He started, changed color, and fetching a deep sigh, said, 'God bless my soul! a body must do any thing to get along, now-a-days.' Thereupon he showed us General Arnold's passport, and said: 'I have been in the country on particular business, and hope you won't detain me a minute.' After we had read the passport, we ordered him to dismount and follow us. We then took down the fence and led him and his horse through, into the thicket. Williams put up the fence, as at first, that no suspicion or inquiry should arise from seeing it down. When Williams came up, Major Andre requested us again to release him, and said he would give us any sum of money we might ask, or any quantity of drygoods. You know our answer. After searching his clothes, we ordered him to sit down, and pulling off his boot, we perceived that his silk stocking sagged a little. We took that off, and found in it

"three letters that were not sealed. On taking off his other boot and stocking, we found three more unsealed letters, which contained correct descriptions of the posts, redoubts, cannon, &c., of West Point and other places. After we had taken possession of these documents, he said, 'Now you have gotten all, lead on.' He put his stockings and boots on, and followed us to the road. Replacing the fence, we allowed him to remount his horse and go in advance.

"You never saw such an alteration in any man's face. Only a few minutes before, he was uncommonly gay in his looks; but after we had made him prisoner, you could read in his face that he thought it was all over with him. We felt for him; but it was all we could do, so long as we meant to be honest to our country.

"We made our way, as quickly and silently as we could, to the encampment at North Castle. We never went into the main road, but kept in the by-ways, and never stopped except to give the prisoner a little milk or so, which we got from the country-people. When we arrived at Sands' Mills, which was ten miles from where we captured him, we surrendered the Major to the commanding officer, who was Colonel Jamieson.

"I wish you to know, that after traveling one or two miles, Major Andre said, 'I would to God you had blown my brains out when you stopped me.' During this speech, and the whole of the journey, big drops of sweat kept continually falling from his face. He suffered much in mind, as was apparent from his great dejection; but he acted like a gentleman, candidly and politely. He never once attempted to escape."

III.

We continue our series of articles, on this interesting subject, with the sworn statement of Isaac Van Wart, one of the captors, in answer to the attack made on their character, by Hon. Benjamin Tallmadge, a member of the House of Representatives of the United States.

"Isaac Van Wart, of the town of Mount Pleasant, in the County of Westchester, being duly sworn, doth depose and say, that he is one of the three persons who arrested Major Andre, during the American Revolutionary War, and conducted him to the American camp. That he, this Deponent, together with David Williams and John Paulding, had secreted themselves at the side of the highway, for the purpose of detecting any persons coming from, or having unlawful intercourse with, the enemy, being between the two armies—a service not uncommon in those

"times. That this Deponent and his companions were armed with muskets; and upon seeing Major Andre approach the place where they were concealed, they arose and presented their muskets at him, and required him to stop, which he did. He then asked them whether they belonged to his party? and then they asked him which was his party? to which he replied, 'The lower party;' upon which they, deeming a little stratagem, under such circumstances, not only justifiable, but necessary, gave him to understand that they were of his party: upon which he joyfully declared himself to be a British officer, and told them that he had been out upon very particular business. Having ascertained thus much, this Deponent and his companions undeceived him as to their characters, declaring themselves Americans; and that he must consider himself their prisoner. Upon this, with seeming unconcern, he said he had a pass from General Arnold, which he exhibited; and then insisted on their permitting him to proceed. But they told him that as he had confessed himself a British officer, they deemed it their duty to convey him to the American camp; and then took him into a wood, a short distance from the highway, in order to guard against being surprised by parties of the enemy, who were frequently reconnoitering in that neighborhood. That when they had him in the wood, they proceeded to search him, for the purpose of ascertaining who and what he was; and found, inside of his stockings and boots, next to his bare feet, papers which satisfied them that he was a spy. Major Andre now showed them his gold watch, and remarked that it was evidence of his being a gentleman; and also promised to make them any reward they might name, if they would but permit him to proceed, which they refused. He then told them, that if they doubted the fulfillment of his promise, they might conceal him in some secret place, and keep him there, until they could send to New York and receive their reward. And this Deponent expressly declares, that every offer made by Major Andre to them was promptly and resolutely refused. And for himself he solemnly declares that he had not, and he does most sincerely believe that Paulding and Williams had not, any intention of plundering their prisoner; nor did they confer with each other, or even hesitate, whether they should accept his promises, but on the contrary they were, in the opinion of this Deponent, governed, like himself, by a deep interest in the cause of the country and a strong sense of

"duty. And this Deponent further says, that he never visited the British camp, nor does he believe or suspect that either Paulding or Williams ever did, except that Paulding was, once before Andre's capture and once afterwards, made a prisoner by the British, as this Deponent has been informed and believes. And this Deponent for himself, expressly denies that he ever held any unlawful traffic or any intercourse whatever with the enemy; and, appealing solemnly to that Omniscient Being, at whose tribunal he must soon appear, he doth expressly declare that all accusations, charging him therewith, are utterly untrue.

"ISAAC VAN WART.

"Sworn before me, this

"28th day of January, 1817.

"JACOB RADCLIFF,

"Mayor."

IV.

We continue our series of articles, on this interesting subject, with the sworn statement of John Paulding, one of the captors, in answer to the attack made on their character, by Hon. Benjamin Tallmadge, a member of the House of Representatives of the United States.

"John Paulding, of the County of Westchester, one of the persons who took Major Andre, being duly sworn, saith, that he was three times, during the revolutionary war, a prisoner with the enemy: the first time, he was taken at the White Plains, when under the command of Captain Requa, and carried to New York, and confined in the Sugar House: the second time, he was taken near Tarry Town, when under the command of Lieutenant Peacock, and confined in the North Dutch Church, in New York: that both these times he escaped; and the last of them only four days before the capture of Andre: that the last time he was taken, he was wounded, and lay in the hospital, in New York, and was discharged on the arrival of the news of Peace there: that he and his companions, Van Wart and Williams, among other articles which they took from Major Andre, were his watch, horse, saddle, and bridle, and which they retained as prize; that they delivered over Andre, with the papers found on him, to Colonel Jamieson, who commanded on the lines: that shortly thereafter they were summoned to appear as witnesses at the headquarters of General Washington, at Tappan: that they were at Tappan some days, and examined as witnesses before the Court-martial, on the trial of Smith, who brought Andre ashore from on board the sloop-of-war: that while there, Colonel William S. Smith re-

"deemed the watch from them, for thirty guineas; which, and the money received for the horse, saddle, and bridle, they divided equally among themselves and four other persons, who belonged to their party, but, when Andre was taken, were about half a mile off, keeping a lookout on a hill: that Andre had no gold or silver money with him, but only some Continental bills, to the amount of about eighty dollars: that the medals given to him, and Van Wart, and Williams, by Congress, were presented to them by General Washington, when the army was encamped at Verplanck's Point, and that they on the occasion dined at his table: that Williams removed some years ago from Westchester county to the northern part of the State, but where, particularly, the deponent does not know. And the Deponent, referring to the affidavit of Van Wart, taken on the 28th of January last, and which he has read, says that the same is in substance true.

"JOHN PAULDING.

"Sworn before me, this

"6th day of May, 1817.

"CHARLES G. VAN DYCK,

"Master in Chancery."

V.

"We the subscribers, inhabitants of the County of Westchester, do certify, that during the Revolutionary War, we were well acquainted with Isaac Van Wart, David Williams, and John Paulding, who arrested Major Andre; and that, at no time during the Revolutionary War, was any suspicion ever entertained by their neighbors or acquaintances that they or either of them held any undue intercourse with the enemy. On the contrary, they were universally esteemed, and taken to be ardent and faithful in the cause of the country. We further certify, that the said Paulding and Williams are not now residents among us; but that Isaac Van Wart is a respectable freeholder of the town of Mount Pleasant; that we are well acquainted with him; and we do not hesitate to declare our belief, that there is not an individual in the County of Westchester, acquainted with Isaac Van Wart, who would not hesitate to describe him as a man of sober, moral, industrious, and religious life;—as a man whose integrity is as unimpeachable as his veracity is undoubted. In these respects no man in the County of Westchester is his superior.

"JONATHAN G. TOMPKINS, aged 81 years.

"JACOB PURDY, aged 77 years.

"JOHN ODELL, aged 60 years.

"JOHN BOYCE, aged 73 years.

"J. REQUA, aged 57 years.

HIS. MAJ. VIII. 24.

"WILLIAM PAULDING, aged 81 years.

"JOHN REQUA, aged 54 years.

"ARCHER READ, aged 64 years.

"GEORGE COMB, aged 72 years.

"GILBERT DEAN, aged 70 years.

"JONATHAN ODELL, aged 87 years.

"CORNELIUS VANTASSEL, aged 71 years.

"THOMAS BOYCE, aged 71 years.

"TUNIS LYNT, aged 71 years.

"JACOBUS DYCKMAN, aged 68 years.

"WILLIAM HAMMOND.

"JOHN ROMER."

GENERAL PUTNAM AND THE BATTLE OF BUNKER'S HILL.

We cheerfully make room for the following description of the services of the great humbug of the War of the Revolution, at the Battle on Bunker's Hill, June 17, 1775,

It is extracted from a *Narrative of Major Thompson Maxwell, then a Captain in Colonel James Reed's Regiment of Massachusetts troops*; and we are indebted to the *Historical Collections of the Essex Institute*, for a copy of it.

Our readers will perceive that it fully sustains our statements on the subject, in our volume, entitled *Major-general Israel Putnam*.

"Next fight was that of Bunker Hill. On the 16th June Col. Reed was ordered to Charlestown Neck. About 12, same day, a number of our officers passed us & went onto B. Hill,—Genl. Ward with the rest,—returned & went to Cambridge. In the Evening Col. Prescott passed with his Regt. My Brother, Hugh Maxwell, was the Senior Captain in this Regt. He stepped out & asked Col. Reed & myself if we would come onto the hill that night. We did so—went onto Breed's Hill. We found Colonel Putnam there with Col. Prescott's command. Col. Prescott requested my brother Hugh to lay out the ground for the entrenchment. He did so. I set up the stakes after him. Prescott appeared to have the sole command. Reed & I returned to our command on the neck, about 11 P. M. At day in the morning, we again went onto the Hill—found Put. and Pres. there. Pres. still appeared to have command. No other regiment was there but Prescott's through the night. Capt. Maxwell, after day, suggested in my hearing to Col. Prescott the propriety of running an entrenchment from the N. E. angle of the night's work to a rail fence leading to Mystic River. Prescott approved & it was done. I set up the stakes after my Brother. About seven o'clock I saw P. & P. in conversation.

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seconds proceeded to make shots. They measured the distances, and cast lots for the position, as also to determine by the word should be given, both of them proceeded to load the pistols in each other's presence, after which the parties took their stations. The gentleman who was to fire the word, then explained to the parties the rules which were to govern them in firing, which were as follows: 'The parties being placed at their stations... the second who gives the word shall ask them whether they are ready; being answered in the affirmative, he shall say *'Present!'* after this the parties shall present and fire *when they please*.' '... If one fires before the other, the opposite second shall say one, two, three, fire...' 'and he shall then fire or lose his fire.' He then asked if they were prepared; being answered in the affirmative, he gave the word *'Present,'* as had been agreed on, and both parties presented and fired in succession. '—the intervening time is not expressed, as the seconds do not precisely agree on that point. The fire of Colonel Burr took effect; and General Hamilton almost instantly fell. 'Colonel Burr then advanced toward General Hamilton, with a manner and gesture that appeared to General Hamilton's friend to be expressive of regret, but, without speaking turned about and withdrew, being urged from the field by his friend, as has been subsequently stated, with a view to prevent his being recognized by the surgeon and barge-men, who were then approaching. No further communication took place between the principals; and the barge that carried Colonel Burr, immediately returned to the city. We conceive it proper to add that the conduct of the parties in this interview, was perfectly proper, as suited the occasion.'

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[Extract of a Letter from Peekskill, dated January 19, 1777.]

Extract of a Letter from General Howe to the Privates, dated January 19, 1777.]

General Howe has discharged all the privates, who were prisoners in New York, one half he sent to the world of spirits for want of food—the other he hath sent to warn their countrymen of the danger of falling into his hands, and to convince them, by ocular demonstration, that it is infinitely better to be slain in battle, than to be taken prisoners by British brutes, whose

—Boston Journal, or New-Hampshire Patriot, Thursday, February 1, 1777.

* From the *Freeman's Journal*, or *New-Hampshire Gazette*, Vol. I. No. 69, Portsmouth, Tuesday, February 18. 1777.

THE DEATH OF ALEXANDER HAMILTON

The following statement, descriptive of the fatal duel between Colonel Burr and General Hamilton, was prepared by Messrs. Van Ness and Pendleton, the seconds of both parties, agreed to and corrected by them, and published to their authority. As it is not generally known, we have copied it for the information of our readers.

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 Some persons try to believe that it is only the
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 I have good authority to say that the British
 vie with, and even exceed the auxiliary troops
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"EPITAPH WRITTEN BY HIMSELF IN THE 74TH
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"Here lies the dust of old E. P.,
 "One instance of mortality!
 "Pennsylvania born, Carolina bred,
 "In Tennessee died, on his bed.
 "His youthful days he spent in pleasure,
 "His latter years in gathering treasure;

"From superstition lived quite free,
 "And practiced strict morality;
 "To holy cheats was never willing
 "To give one solitary shilling.
 "He can foresee—and in foreseeing
 "He equals most of men in being—
 "That Church and State will join their power,
 "And misery on this country show'r.
 "The Methodists, with their camp-bawling,
 "Will be the cause of this down-falling,
 "And we are not destined to see
 "The woes of poor posterity.
 "First-fruits and tithes are odious things,
 "And so are Bishops, Priests, and Kings!"

BOWDOIN COLLEGE

The Class of 1825 has always been regarded
 by the sons of Bowdoin as the brightest gem in
 all her coronet, and the most precious and valu-
 able contribution which it has been the privilege
 of the College to make to the culture and re-
 finement of our age. The association of the
 great names of Longfellow and Hawthorne,—the
 one the most popular, widely known, and per-
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 of members of the Class, that of George B.
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 orable occasion of considerable local interest,
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 comment; but it may be some consolation to
 those who loved him, to know that, while the

"Immediately after Put. mounted his horse & went full speed toward Cambridge. Col. Reed ordered all his to their commands. We returned and prepared for action. 11 A. M. we received orders from Col. Prescott to move on. We did so. We formed, by order of Prescott down by the rail fence & part on the entrenchment. We got hay & wadded between the rails after doubling the fence by posts and rails from another place. We remained there during the battle. After we had been on the hill a while, I saw Capt. Knolton of Put's Regt. come on with perhaps 200 men, & form on a stone wall that led from the rail-fence to the River. The men were formed from the River, extending towards the rail-fence, & left a space I should say of 60 rods between us, which was manned by parts of Regiments, until Col. Stark came & formed on the rail-fence. We were all drove from the Hill. On our retreat we went in disorder—mixed up. As we passed the top of Bunker Hill, I there saw Put for the first time, after he rode away in the morning. He was on horseback with his tent behind. He had with him a very large body of men, who were a little over the turn of the hill, out of rake of the Enemy's shot. When we approached Put cried out, 'Halt you d—d cowards! Halt, you d—d cowards! Turn about & give them another shot!' I told Put it was in vain—our ammunition was gone & men exhausted. He said, 'I don't mean you,—it is these d—d rascals I can't get up.' I told Col. Reed he didn't mean him, and we kept on. As we were passing the neck, Put passed us on horseback and ordered us there, in nearly the same manner, to halt & fire. We kept on. Put then set out on half speed toward Cambridge. We went onto Winter Hill for the night, & saw no more of Put."

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tender mercies are cruelty. But it is not the prisoners alone who felt the effects of British humanity. Every part of the country thro' which they have march'd, has been plundered and ravaged. No discrimination has been made with respect to Whig or Tory, but all alike have been involv'd in one common fate. Their march thro' New Jersey has been marked with savage barbarity. But *West-Chester* witnesseth more terrible things. The repositories of the dead have ever been held sacred by the most barbarous and savage nations. But here, not being able to accomplish their accursed purposes upon the living, they wreaked their vengeance on the dead. In many places, the graves in the church-yards were opened, and the bodies of the dead exposed upon the ground for several days. At *Morrisania*, the family vault was opened, the Coffins broken, and the bones scattered abroad. At *Delancey's* farm, the body of a beautiful young lady, which had been buried for two years, was taken out of the ground, and exposed for five days in a most indecent manner; many more instances could be mentioned, but my heart sickens at the recollection of such inhumanity. Some persons try to believe that it is only the Hessians who perpetrate these things, but I have good authority to say that the British vie with, and even exceed the auxiliary troops in licentiousness. After such treatment, can it be possible for any persons seriously to wish for a reconciliation with Great Britain?

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The Class of 1825 has always been regarded by the sons of Bowdoin as the brightest gem in all her coronet, and the most precious and valuable contribution which it has been the privilege of the College to make to the culture and refinement of our age. The association of the great names of Longfellow and Hawthorne,—the one the most popular, widely known, and perhaps best-beloved of all our poets; and the other without a peer, foreign or domestic, in the domain of psychological romance,—seems to partake of the marvellous. Among other names of members of the Class, that of George B. Cheever will recall to his contemporaries and those familiar with the history of Salem, a memorable occasion of considerable local interest, when he displayed ability and courage which the opponents of the Maine law would describe as "worthy of a better cause," and which has since been crowned by scholarship and influence second to but few in the country. John S. C. Abbott, S. T. Benson, John W. Bradbury, and Cullen Sawtell, the last three members of Congress, were also of the year 1825. Jonathan Cilley, also of the Class of '25, it may be remembered, gave great promise of ability and usefulness, but fell in one of the most cruel duels which political animosity ever occasioned.

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quick revolving loom of time consigns so many public characters to oblivion, his memory may long abide in literature as the faithful, beloved, and trusted friend of Hawthorne, from the first hour of their acquaintance until he closed his eyes in death. Calvin Ellis Stowe was the classmate of General Pierce; and it is only necessary to mention his name, to suggest the contrast. Sargent S. Prentiss, one of the most eloquent of New England orators, was in the Class of 1826; and the Hon. John P. Hale and Ephraim Peabody in that of 1827.

Passing from the time during which Hawthorne was an undergraduate, the Triennial Catalogue of the College enrolls among its graduates, in proportion to their number, as many distinguished and rising men as any College in New England. Among the graduates who have become Presidents of Colleges, are Nathan Lord the late President of Dartmouth, William H. Allen of Girard college, and Daniel R. Goodwin, formerly of Trinity college, Hartford. Among divines, are the names of Henry Boynton Smith, of New York, Cyrus A. Bartol, Edwin B. Webb, John O. Means of Boston, Charles Beecher, Cyrus Hamlin—distinguished for the most useful missionary work of the age, in Turkey—and Thomas T. Stone, once Pastor of the First Church in this city, and well remembered for his earnest eloquence, independent character, and philanthropic spirit. Peleg W. Chandler and John C. Dodge of the Suffolk Bar, and James R. Osgood, the enterprising chief of the largest and most influential publishing-house in New England, are also graduates of the College. Among the graduates resident in Salem, are the Hon. Geo. F. Choate, Hon. William D. Northend, Jairus W. Perry, Esq., and the Rev. J. T. Hewes of the First Church.

The intimate relations between the people of Maine and Massachusetts grew out of the dependence of the former upon the latter. Maine was chiefly settled by leading Massachusetts families who obtained Grants of land as an inducement to open up and develop the great resources of the Province. Chief-justice Allen, Judge Ware, and, not to multiply names, many others, were Massachusetts men, looking for a career, in Maine, as young men of our times prospect the West for an opportunity which our older civilization rarely offers them. Families migrated there, permanently or temporarily, because they had property which needed the eye of the master; and thus were developed relations of the most intimate character. The families of John A. Andrew and Hawthorne became resident in Maine, influenced by the same motives; and residence there took our war-Governor to Bowdoin, as it had taken Hawthorne, before him.

Massachusetts, therefore, has an interest in

Bowdoin, such as no other College outside of the limits of the State can awaken; and even the Act of Session, in 1820, made special provision for continuing inviolate all her privileges, properties, and immunities. The College remains substantially, to this day, what the liberality and wisdom of Massachusetts made it.

Bowdoin and Williams were founded in the extreme Eastern and Western limits of the jurisdiction of the Commonwealth, as seats and centres of the learning, morals, and theology which the great men of that age so reverently acknowledged as the chief source of the prosperity of the State and the virtue of the people. The first Class of Bowdoin entered in 1802; and, during the eighteen years which elapsed before Maine became an independent State, the College had attained a high degree of prosperity and influence. Its first President, Joseph M'Kean, went from one of the Congregational Churches in Beverly to assume the duties of that office. President Appleton and Allen, his successors, were Massachusetts men; and President Woods, who is so affectionately remembered and beloved by the graduates of the College, now in early manhood or middle life, is a son of Professor Woods, one of the best known theologians and scholars Essex-county has ever produced.

James Bowdoin, from whom the College derives its name, was the son of one of the early Governors of the Commonwealth. His endowment was largely supplemented by Grants of land from the State; and the good fortune of the College, together with the cheap rates of living fifty or seventy-five years ago, secured a corps of Professors, for a succession of years, of unusual ability and distinction.

Parker Cleveland occupied the Chair of Natural Science for nearly fifty years after the establishment of the College and ranked among the first of the cultivators of that then neglected branch of knowledge. Thomas C. Upham, so long Professor of Moral and Mental Philosophy, was well and widely known as an author of valuable works, philosophical and miscellaneous. Professor Smyth was recognized as one of the great mathematicians of the country, by that small minority of scholars who cultivate pure mathematics. Professors Stowe and Longfellow have been already mentioned, in another connection. There is not space to enumerate all who have added to the dignity and fame of the College; but we will not neglect to name, *causa honoris*, Professor Packard, the only one of the earlier Professors now associated in its government; and whose life has been dedicated to its prosperity and usefulness.

But it has been found that the funds which were sufficient to secure the College an able Faculty and a good degree of prosperity, when prices

es were low and the scale of living moderate, are totally inadequate to meet the requirements created by the general increase of wealth in the country and the general improved financial condition of almost all other New England Colleges. The entire general fund of Bowdoin-college, appropriated to the support of the Faculty, is about one hundred and twenty-five thousand dollars. It is now proposed to raise a sum of money for its further endowment. A general appeal has been made to the Alumni, to contribute in such sums as they may see fit, to raise the general funds to amount adequate to the increased demands of the age. The Committee of Alumni are the Hon. William D. Northend of Salem, Hon. William L. Putnam, of Portland, and Professor Sewall. The difficult task of communicating with graduates, scattered as they are over the whole country, has been undertaken by Mr. Northend; and, although but a short time has elapsed, since Circulars were sent, there is every reason for encouragement.

The best men which Bowdoin has graduated, remembering, with gratitude, their obligations to the College, are contributing in the most liberal manner; and it is hoped and expected that the fund will be largely increased from the liberality of the friends of our educational institutions, as well as by the contributions of graduates.

It has been a matter of surprise to many Massachusetts graduates, that Bowdoin-college has been so much neglected by the Government of Maine. It is their one historical seat of learning; and the most eminent men Maine can boast, in Church and State, have received their education in its halls. General Chamberlain has declined more advantageous prospects, in a worldly point of view, to give the weight of his great influence and popularity to the College, as President. New facilities for the pursuits of the Natural Sciences, for the study of which there is so great a demand, have been added by the establishment of a Scientific Department. The Freshman Class this year numbers fifty-five, which is a considerable increase over the past few years. The College buildings are in excellent condition; and the libraries and other conveniences are as good as any College of similar rank in New England. Brunswick is a quiet town, favorable to studious habits; and its medium size saves it from the torpor of a village and the distractions of a city. It is the purpose of the Alumni—in which they look for the co-operation of those who have the means of usefulness, which wealth affords—to make an earnest effort to secure the College a career in the future as honorable and useful as its history discovers in the past.

—*Salem Gazette.*

GRIS.

ORDINATION OF THE FIRST BISHOP IN THE REFORMED PROTESTANT DUTCH CHURCH IN NORTH AMERICA.*

In the Spring of 1678, there arrived at New York, Petrus Tesschenmaecker, a young theological student from Utrecht, who had lost his testimonials and other papers among the savages at Guiana, which he had just visited. Tesschenmaecker's gifts in preaching were so great, however, that he was allowed to perform Divine service in several of the Dutch churches, especially in the one at Esopus, where he officiated with great acceptance, until the arrival, from Holland, of Domine Laurentius Van Gaasbeeck, in September, 1678. He then went to the Delaware-river; and the Dutch congregation, at Newcastle, were so much pleased with him that they called him to be their Minister. But the difficulty was, that Tesschenmaecker had not been ordained. The delegates from the Newcastle-church accordingly requested the Dutch clergymen, in New York and its neighborhood, to meet as a Classis, and remove the difficulty by ordaining the candidate. This the Ministers felt unable to do, on their own responsibility.

Sir Edmund Andros, the Governor of New York, however, having taken a great interest in the matter, relieved them from embarrassment, by issuing the following official direction:

"SIR EDMUND ANDROS, *Knight, &c., &c.*

"Upon application from Newcastle in Delaware, that (being destitute,) Mr. Peter Tesschenmaecker may be admitted to be their Minister; "By virtue of His Majesty's Letters Patents "and authorities derived unto mee, I do hereby "desire and authorize you to examine the "said Mr. Tesschenmaecker, and if you shall "find him fitly qualified, that then you Ordain "him into the ministry of the Protestant Reformed Church, to preach God's word and "administer his Holy Sacraments, and give him "Testimonials thereof, as is usuall.—Given "under my hand and Seale of the Province, in "New Yorke, the thirtieth day of September, "in the 31st year of His Majesty's Reigne, Annoque Domini, 1679.

"E. ANDROS, [L. S.]

"To Mr. Gulielmus van Nieuwenhuysen, "Minister or Pastor of this City, or any three or "more of the Ministers or Pastors within this "Government."

Accordingly, Domine Schaats, of Albany, Domine van Zuuren, of Long Island, and Domine van Gaasbeeck, of Esopus, met with Domine van

* Our readers will recognize in this article the result of the careful study of the early annals of this State, by our friend and contributor, Hon. J. Romeyn Brodhead, Domestic Corresponding Secretary of the New York Historical Society.—*ERRATA.*

Nieuwenhuysen, at New York, and formed themselves into a Classis, composed of all the Dutch Ministers within the Province, with members of their Consistories. The following is a translation of the original record of this *most important assembly*—THE FIRST DUTCH CLASSIS EVER HELD IN NORTH AMERICA :

"Copy of the Acts done in our Meeting at New-York, the 9th of October, 1679, in the matter of Domine Petrus Tesschenmaecker :

"On this day, the 9th of October, 1679, was handed in a call of a Minister for the congregation of the South [Delaware] River, which calling has fallen on the person of Domine Petrus Tesschenmaecker, a candidate for the sacred ministry.

"But, considering that this matter is without example, in this Government, the Low Dutch Ministers who are here, on the request of the honorable Knight, Governor Edmund Andros, and on the exhibition of the *testimonia examin- is preparatorii* of the aforesaid Domine Petrus Tesschenmaecker (written by the Dutch and English Consistories, at the Hague,) have been content (considering likewise the distress of the above-named respective congregation) to confirm and consecrate this candidate to the office of the ministry, there.

"And because, before all, it is necessary that an Overseer [*opziender*] should be proved, so, the Reverend Assembly, consisting of the Low Dutch clergymen of this Government, together with other ecclesiastical persons, approved, as good, the aforesaid attestation *examinis preparatorii*, without special opposition; and it was resolved to proceed to the '*promotie*' itself.

"Thereupon, Domine Tesschenmaecker being summoned within, was acquainted of this approbation of the Reverend Assembly, and was further asked whether he accepted this calling, to serve in the same according to the ecclesiastical orders of the Reverend Synod of Dordrecht, and other special instructions, and would yet promise conformity to the said orders. The answer was 'Yes;—undertaking and binding himself to observe the same.

"This being done, Domine Tesschenmaecker was first heard in his '*propositie*,' upon the text Matt. 5: 20, the treatment of which gave the Reverend Assembly sufficient satisfaction.

"Thereupon, the Reverend Assembly addressed itself to the examination, having appointed, as Examiner, Domine Wilhelmus van Nieuwenhuysen, Minister of the Holy Gospel in the metropolis of the Government of New York.

"The examination being sustained, the Reverend Assembly was likewise contented with

"the answers of Domine Tesschenmaecker; so that, finally, the confirmation, according to our church-order and formulary, followed hereupon, in the name of the Lord.

"CASPARUS VAN ZUUREN,

"Minister on Long Island.

"*Conventus, pro tempore Scriba.*"

These interesting documents were sent to the Classis of Amsterdam, in a joint letter, signed by the four Dutch clergymen in New York. In that letter, they rely on Governor Andros's authorization, as the justification of their action, which they declared was, "in all respects, conformable to the praiseworthy usage and orders of the churches in the Fatherland (to the upholding of which we have also obliged him, by promises and the giving of hands, as we ourselves were obliged thereto, by your Reverences,) there having yet further come to us excellent testimonials of the deportment and preaching of Domine Tesschenmaecker, signed by the Consistories of the Low Dutch and English congregations in the Hague; and he himself (*examinandus candidatus*) exhibiting very good and proper gifts, as well in his '*propositie*' as in his answer, to the complete satisfaction of all the members of our Assembly."

The Classis of Amsterdam afterwards approved of this action and of the settlement of Domine Tesschenmaecker, at the Delaware, where, however, he remained but a short time. In the Winter of 1682, he preached on Staten Island; and, in 1684, he was called to the church in Schenectada, where he continued to labor, until this first Minister ever ordained in New York, was murdered on the night of the eighth of February, 1690, by the French and Indian expedition sent out by Governor Frontenac of Canada.—*Christian Intelligencer*.

THE FIRST CHIME OF BELLS IN AMERICA.

Philadelphia can claim the credit of having had the first chime of bells ever used in this country. They were brought over in the *Myrtilla*, by Captain Budden, a relative of Lieutenant Budden, of the Philadelphia Light Horse. They were purchased in London, in the year 1754, at a cost of five hundred and sixty pounds, sterling. The whole weight of the bells was nine thousand and forty pounds; the largest weighing two thousand and forty pounds. These bells are now hung in Christ-church, Philadelphia; and are chimed on Sundays and holidays, and upon such other times as requested. On the largest bell, is the following inscription :

"Christ church, Philadelphia.—This bell and the rest of the peal, were cast by Lester and

"Pack of the Whitechapel Bell Foundry,
"London, 1754; recast at the same foundry,
"1835."

An old Philadelphia religious paper contains the following:

"The chime of bells now belonging to Christ-church, in this city, was brought over from England, by a Captain Budden, without charge of freight. Being the first set of bells that reached this country, they attracted great attention; and, when put into the steeple, were rung for some time, to the gratification of the natives. In order to afford the country-people an opportunity of hearing these wonderful sounds, it was agreed to have the bells chimed on the evening preceding market-days; and crowds of the 'country-folk' would repair to the church, in order to witness the operation of ringing, a curiosity which the ringers took care to turn to their own advantage, by claiming a fee. We have been told by an old and highly respectable citizen, that Captain Budden became so important a personage, for being the bearer of the bells, that they were universally rung whenever his vessel arrived in port."

We are informed by Doctor Glentworth, of this city, a grandson of Captain Budden, that when any of the family of the Captain died, or when his ships arrived at port, the bells also were tolled. This was done as he had refused any compensation for his trouble in bringing the bells to this country, and merely requested that, at his death, they should be muffled without charge.—*New York Herald*.

SCRAPS.—On the line of the Philadelphia and Reading-railroad, twelve and a half miles from Reading, is situate Douglassville, one of the oldest villages in Berks county. The houses are mostly built of sandstone, upon one of which—the hotel kept by Mr. C. B. Miller—the date of 1771 is cut. Several very handsome modern residences have been erected of late years, along the principal thoroughfare, which add considerable beauty to this quiet village.

Among the most ancient buildings is St. Gabriel's-church, with its arched ceiling, high-backed pews, and still higher pulpit. Adjoining the Church is the cemetery, filled with the remains of those who, in former years, worshipped in this edifice. Some of the tombstones which marked the graves have crumbled away, entirely; while others have been worn away, by age and weather, so that the inscriptions are almost indiscernable. The following is inscribed on one of them:

"Here lyeth y^e body of Andrew Robeson,
"who died Feb. 19, 1719-20, aged 66 years."

On the other side of the head-stone are the following lines:

"Removed from noise and care,
"This silent place I chose,
"When death should end my years,
"To take a sweet repose.

"Here, in a peaceful place,
"My ashes must remain,
"My Saviour shall me keep,
"And raise me up again."

—Admiral Farragut wrote to his wife, April, 1862, "My country has bestowed upon me its highest honors, and I must take upon me the highest responsibilities. I never will ask my men to go where I am not willing to lead the way." Words fit for the monument of a hero!

IX.—BOOKS.

(Publishers and others sending Books or Pamphlets for the Editor of THE HISTORICAL MAGAZINE, are respectfully requested to forward the same, either direct to "HENRY B. DAWSON, MORRISANIA, N. Y.," or to MESSRS. CHARLES SCRIBNER & Co., Booksellers, 654 Broadway, New York City, as shall be most convenient to them.)

A.—OFFICIAL PUBLICATIONS.

1.—Circular No. 4. War Department, Surgeon General's Office, Washington, December 5, 1870. *A Report on Barracks and Hospitals, with descriptions of Military Posts*. Washington: Government Printing Office, 1870. Quarto, pp. xxxiii., 494.

We have already noticed, in THE HISTORICAL MAGAZINE, the important series of volumes, for some unknown reason called "Circulars," which the Surgeon General of the Army is issuing occasionally, from his office; and the elegant volume before us forms "No 4" of that series, although several numbers higher have been long since in the hands of their readers.

In the ample and beautiful pages of this portly quarto, we find carefully-prepared histories and descriptions of the several military posts occupied by the Army, very often illustrated with maps; and the barracks and hospitals of those posts are described, especially, with great precision and greatly in detail, with expositions of their defects and suggestions tending to their improvement. These descriptions are from the pens of Surgeons who are thoroughly acquainted with the works which they have described; and to the Military Engineer, to Civil Engineers, and to Architects who superintend the erection of structures employed for hospital purposes or aggregated residences, there can be found few works possessing so much importance, on sanitary subjects. To the historical student, the accurate descriptions of the several posts, as military works, and their several histories are now and ever will be of the highest importance.

As we have said, this volume is a very handsome one.

B.—PUBLICATIONS BY SOCIETIES.

79.—*To Day*: a paper printed during the Fair of the Essex Institute and Oratorio Society, at Salem, Mass., from October 31st to November 4th, 1870. S. L. [*Salem F*] s. a. [1870?] Quarto, pp. iv., (unpaged) 40.

Our readers know what "Fair papers" are, and this is one of them—a very good specimen, by-the-way; but yet nothing more than a pleasing "light publication," affording amusement, for a few minutes, to those who bought it, and profit, we hope, to those who advertised in and those who sold it.

As a publication by the Essex Institute, however, it is a necessity to those who collect and preserve the works which that excellent Society sends out, into the world of literature and science.

8.—*Proceedings of the Vermont Historical Society, October and November, 1870.* Montpelier: Printed for the Society. 1871. Octavo, pp. xxvii.

Memorial Address on the Life and Character of the Hon. Charles Marsh, LL.D. A paper read before the Vermont Historical Society, at Montpelier, Oct. 11, 1870. By James Barrett, LL.D. Since 1833, [*Montpelier?*] sine anno [1871?] Octavo, pp. 54.

The Vermont Historical Society is one of the youngest of the sisterhood of associations devoted to the history of our own country; and, as far as the narrowness of Vermont will permit, it is doing its work with commendable spirit and good results. The volume before us supplies the record of its meetings in the Fall of 1870, including the Report of its Librarian; and the Address of Hon. James Barrett is appended to that record, making it complete.

4.—*Proceedings of the New York Anti-Secret Society Convention held at Syracuse, Nov. 15, 16, and 17, 1870.* Octavo, pp. 16.

The doings of a body of earnest men who are engaged in a crusade against Masonry, Odd Fellowship, Sons of Temperance, and all other Societies who exclude from their meetings those who are not members; who do not publish to the wide world, all their business; and who retain any information which they do not tell to everybody.

We have no doubt these gentlemen are perfectly honest; but they are evidently inconsistent, when they occupy the broad ground which these proceedings indicate.

5.—*Genealogy of the Early Generations of the Coffin Family in New England.* From the *New England Historical and Genealogical Register* for 1870. Boston: 1870. Octavo, pp. 17.

We have received from the Society, a Copy of this neat re print of the excellent paper on the Coffins of Nantucket, which was communicated to the *Register* by Sylvanus J. Macy of New York, with Annotations by Nathaniel W. Coffin, of Dorchester, and William S. Appleton of Boston.

It is a well-arranged and, we have no doubt, an accurate record of the widely-known family to whom it refers.

6.—*The Public Records of the Colony of Connecticut, from October, 1708, to October, 1716, with the Council Journal from October, 1710, to February 1717.* Transcribed and edited in accordance with a Resolution of the General Assembly. By Charles J. Hoadley, Librarian of the State Library. Hartford: Case, Lockwood, and Brainard. 1870. Octavo, pp. v., 612.

There are few works which are more important, as materials of history, than the early records of the several Colonies; and New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania have nobly responded to the calls of scholars for copies of their respective journals.

Of those of Connecticut—embracing both those of old Connecticut and those of the New Haven Colony—we need say nothing, concerning the care and ability with which they have been edited, successively, by Messrs. Trumbull and Hoadley; and the volume before us, which is the fifth of the series of the Connecticut Colony, is, therefore, a welcome addition to the journalistic authorities on which all written history must, very much, be founded.

The general character and appearance of the volume are uniform with those of the volumes previously issued; and the only variation in the character of the work is that, which we regret to see and most earnestly deprecate, described in the following words, taken from the Preface of of the volume before us: "In printing this volume, I have not thought it necessary to preserve 'the contractions or abbreviations of the original manuscript, as it has been done hitherto, 'or to follow exactly the spelling, save, in general, in the case of proper names."

We do not know the reason which led Mr. Hoadley to depart so widely from the habit, in such cases, which he had hitherto followed in company with the Editors of the Plymouth, the Massachusetts-Bay, the New York, and the first three volumes of the Connecticut Records, a system which students of history, everywhere, so highly approve and so rigidly adhere to; nor can we conceive of any reasonable necessity for so sad a variation from his own practice, in the fourth volume of this series and in the Records of the Colony of New Haven. If as we suspect, it was done to gratify some ignorant legislator, in order to secure sufficient legislative wisdom in its favor to have the volume printed at the public expense, we shall more than ever despair of seeing the history of our own country occupy its just position, as a necessary branch of learning, in the high places in the land.

The volume is very neatly printed.

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